Guidance Handbook for Educators of English Learners with Suspected Disabilities

MICHIGAN Department of Education

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Arizona Department of Education, Office of English Language Acquisition Services. (2012). *A collaborative approach to students with dual labels.* Retrieved from http://www.azed.gov/english-language-learners/files/2012/12/studentswithduallabels-december2012-oelas.pdf

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Introduction

Purpose of the Handbook

The purpose of the *Guidance Handbook for Educators of Students Who Are English Learners With Suspected Disabilities* is to provide local education agencies (LEAs) with assistance as they identify and assess students who are English learners (ELs) for potential eligibility for special education and related services. Michigan's educators have a moral and legal obligation as well as a personal desire to recommend the most appropriate instructional programming for English learners. The Individuals with Disabilities Education Act (IDEA) requires LEAs to make "greater efforts to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities" (IDEA, 2004, P.L. 108-446, 20 U.S.C. § 1400(c)(8)(A)).

This document provides the following guidance:

- Create an awareness of the laws, regulations, and policies related to the educational rights of ELs.

- Explain the research-based process of how students learn an additional language and how that process may lead to the over-identification of ELs for special education supports.

- Promote a model for a collaborative approach among teachers, administrators, families, and others when planning programs and services for ELs eligible to receive special education services.

- Provide consistent guidelines for instructional interventions, special education determination of eligibility, and dual eligibility program options for ELs in Michigan.

The Guidance Handbook also includes frequently asked questions (FAQs), helpful tools that assist in determining possible referral to special education services, and case scenarios.

Definition of "English Learners" Limited English proficient (LEP): This term is defined in the *Title III* statute (see *ESEA*, section 9101(25)):

"(25) LIMITED ENGLISH PROFICIENT- The term 'limited English proficient', when used with respect to an individual, means an individual
A. who is aged 3 through 21;
B. who is enrolled or preparing to enroll in an elementary school or secondary school;
C. (i) who was not born in the United States or whose native language is a language other than English;

(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

D. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —

(i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society."

In this document, the terms "English learner," "EL" and English language learner" are used synonymously with "LEP student."

In the state of Michigan, the term "English learners" or "ELs" is used for this population of students. To determine if a student meets the EL definition, Michigan assesses students' language skills in listening, speaking, reading, and writing. If a student is determined to be an English learner, then the district must provide alternative language services to be supplemented financially by state and federal funds, such as Title I, 31a or Title III. The district conducts an annual assessment to determine the student's ability in one of six levels of English language proficiency. For assessments, Michigan uses the World-Class Instructional Design and Assessment (WIDA). "WIDA" was the title given to the three original states using the assessments: Wisconsin (WI), Delaware (D), and Arkansas (A). Now many states use the assessments, and WIDA moved to a new consortium model: "a non-profit cooperative group of states whose purpose is to develop standards and assessments that meet and exceed the goals of No Child Left Behind and promote educational equity for English language learners" (see https://www.wida.us/membership/benefits.aspx). Michigan joined the consortium in 2013 and adopted the WIDA standards followed by adopting WIDA *ACCESS* for ELLs annual assessment. Michigan uses multiple indicators to determine students' readiness to exit the EL program as described in the Michigan Department of Education (MDE) Entrance and Exit Protocol (EEP) document available at http://www.michigan.gov/documents/mde/Entrance_and_Exit_Protocol_2015_05_15_490174_7.pdf. Districts use the multiple assessment results to determine the type, intensity, and duration of EL services they need to provide.

The Need: Prevalence Data and Disproportionality

This *Guidance Handbook* represents a collaborative effort by professionals in special education, English language learning, psychology, and domains. A writing committee of professionals met on a regular basis to develop multiple drafts, beginning with the development of a problem statement:

> "Schools and districts need guidance, training, knowledge and skills for appropriate identification, assessment, and placement of *English learners with suspected disabilities*."

This need was strongly confirmed by a number of facts compiled from national, state, and local data:

- A continued national increase of ELs in schools (Institute of Education Sciences, 2014):
  - In 2002–03: ELs were 8.7 percent of students or approximately 4.1 million students.
  - In 2011–12: ELs were 9.1 percent of students or an estimated 4.4 million students were ELs.
- Students dually identified for both special education and EL services increased at a steady pace (Office of Special Education Programs Accountability Center, 2014).
- State departments of education and LEAs report that under- and overrepresentation of ELs in special education programs continues to be a concern.
  - ELs have been consistently overrepresented in special education at the secondary school level (Artiles, Rueda, Salazar, & Higareda, 2005; Linn & Hemmer, 2011) but underrepresented in the primary grades (Samson & Lesaux, 2009).
  - ELs with specific learning disabilities (Ortiz, Robertson, & Wilkinson, 2011) were typically referred for special education services in second and third grade with many of the students being retained or socially promoted.
  - Despite the need, oral language development was not a target of the early intervention efforts students received. These facts initially emerged from a 2003 study noting that "districts with smaller EL populations (99 or fewer LEP students) identify on average 15.8 percent of their ELs for special education services, while districts with 100 or more ELs identify on average 9.1 percent of their LEP students for

special education" (Zehler, Fleischman, Hopstock, Pendzick, & Stephenson, 2003, p. 6).

- Districts and schools are unclear how to coordinate their services for ELs with potential or determined disabilities. Most coordination is not planned or formal, with the exception of individualized education program (IEP) meetings, and not based on specific mechanisms of formulated district policies (Zehler et al., 2003, p. 30).

- Teachers and schools face challenges in distinguishing between the normal acquisition for an EL to learn English and a language or learning disability. Noted expert of English language learning, Janette Klingner (n.d.), writes, "The single biggest error made in placing English language learners (ELLs) into special education is misinterpreting language acquisition as a learning or language disability."

- Recent federal guidance stipulates that all ELs with disabilities must participate in state English language proficiency (ELP) assessments (U.S. Department of Education (ED) presentation at a Title III State Directors meeting, 2014). ED expects all states to develop guidelines for accommodations and alternate assessments that do not invalidate ELP annual assessment results.

- Michigan's Title III (English Language Acquisition) team notes through district observations, trainings, and meetings that despite growth in the states' EL population, most districts and schools do not have policies, procedures, or resources in place for providing special education services to ELs.

It is not an easy task to determine if an English learner is acquiring English in a developmentally appropriate trajectory or if a potential disability may be slowing down progress. The Guidance Document provides assistance for school and district staff to make such determinations, assisting them in developing and implementing policies and practices for ELs with potential disabilities. A misunderstanding exists in education that ELs must receive English services for a predetermined number of years, usually two or three, before being considered for needing special services. This is an erroneous practice, is detrimental to ELs who may truly have disabilities, and is against the Child Find regulations 34 CFR § 300.111(a)(1) (see Appendix A).

To determine the need for special education services, the following initial points should be considered:

- The EL student is exhibiting academic or behavior difficulties in both first and second languages.

- The EL teacher supports the position that the EL student is performing differently from siblings or cultural peers.

- The EL student displays little or no academic progress resulting from evidence-based and intensive instructional strategies, alternative instruction, or academic interventions.

- Parents confirm the academic or behavioral difficulties observed in the school setting are consistent with those observed in the home environment.

- School personnel confirm the academic or behavioral difficulties observed in the classroom setting.

Federal Acts and Court Cases

ELs and students with disabilities are protected by the law and precedent legal cases. The information in the Guidance Handbook supports and adheres to federal acts and court cases related to students learning English, to students with disabilities, and to all students. It is important that English language teachers, teachers of students with disabilities, and general education teachers and administrators understand and adhere to the law and precedent-setting court cases. Not all acts and court cases are listed, but the major ones are included; the EL and special education specialist will be able to provide more information from that field.

All Students

Equal Educational Opportunities Act of 1974
This civil rights statute of 1974, while often considered as a watershed moment for race, also served as a springboard for the rights of students with disabilities and students learning English. The Act prohibits states that receive federal funding from denying equal educational opportunity to an individual on account of the person's race, color, sex, or national origin. "The statute specifically prohibits states from denying equal educational opportunity to limited English proficient students by the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in instructional programs," [20 U.S.C §1203(f)] (see https://www2.ed.gov/about/offices/list/ocr/ell/edlite-glossary.html).

English Learners

Court Case: Lau v. Nichols *(1974)*
This suit was filed in San Francisco in 1974 and led to a landmark decision by the Supreme Court. The court determined that the school

system's failure "to provide English language instruction to approximately 1,800 students of Chinese ancestry who do not speak English, or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program and thus violates the Civil Rights Act of 1964" [*Lau v. Nichols,* 414 U.S. 563 (1974)] (see https://www2.ed.gov/about/offices/list/ocr/ell/lau.html).

Court Case: Castañeda v. Pickard *(1981)*
This court case became the most significant decision regarding the education of language-minority students since *Lau v. Nichols.* The 5th Circuit Court established a three-pronged test for evaluating programs serving ELs. According to the Castañeda standard, schools must do the following:

- Base their program on educational theory recognized as sound or considered to be a legitimate experimental strategy.

- Implement the program with resources and personnel necessary to put the theory into practice.

- Evaluate programs and make adjustments where necessary to ensure that adequate progress is being made (see https://www2.ed.gov/about/offices/list/ocr/ell/edlite-glossary.html).

These three prongs continue to serve as an internal test for districts to ensure they are providing adequately for their ELs.

Court Case: Plyler v. Doe *(1982)*

In 1982, the court ruled that public school districts could not deny immigrant students from receiving a free public education. The court also ruled that not only do undocumented children have the right to receive the same public education, but that they are also required, like U.S citizens and permanent residents, to attend school until they are of age as determined by each state (e.g., 16, 17, or 18 years old).

Public schools and school personnel are also not allowed to adopt measures that would prevent students from receiving access to public education based on their citizenship status. For example, the court ruled that school officials cannot legally ask students to present proof of citizenship. Instead, they can only ask the student to provide proof that they reside within the boundaries of the school district (see http://www.mesacc.edu/~barmd97231/PlylervDoe.html). Districts need to ensure that those persons who enroll students in schools (e.g., school

secretaries, counselors) are aware of this student and family right —they cannot be asked if they are U.S. citizens.

Emergency Immigrant Education Program Act (1984)
This original bill in 1984 authorized payments to states for **supplementary** educational services for immigrant children. Now as a subpart of the Title III Language Acquisition Act, it requires eligible districts that experience unexpectedly large increases in their student population due to immigration—

1) "To provide high-quality instruction to immigrant children and youth
2) To help such children and youth —
   (A) With their transition into American society; and
   (B) Meet the same challenging State academic content and student academic achievement standards as all children are expected to meet" [SEC. 3241] (see http://www2.ed.gov/policy/elsec/leg/esea02/pg49.html).

Title III English Language Acquisition Act (2001)
By 2001, with the continued increase of ELs nationally, ED developed, and Congress passed this act. It served to consolidate the prior acts and articulate specific program and instructional requirements based on research and best practices for ELs. In the act, students receive certain protections through state and district requirements.

- "Children who are limited English proficient, including immigrant children and youth, attain English proficiency, and meet the same challenging state academic content and student academic achievement standards as all children are expected to meet, consistent with section 1111(b)(1)

- Development and implementation of high-quality language instruction educational programs based on scientifically based research on teaching limited English proficient children, designed to serve limited English proficient children and immigrant children and youth

- Development and implementation of high-quality instructional programs designed to prepare limited English proficient children, including immigrant children and youth, to enter all-English instruction settings

- Assessment of ELs on the annual state English Language Proficiency assessment (which in Michigan is WIDA) ESEA, Section 1111(b)(7), 3113(b)(3)(D)

- Demonstration of improvements in the English proficiency of LEP students (ELs) each fiscal year

- Demonstration of adequate yearly progress of LEP and immigrant students (ELs) on the annual English Language Assessment (WIDA)

- Meeting of specific annual targets in both reading and mathematics by LEAs as measured by the Michigan accountability measures

- Promotion of parental and community participation in language instruction educational programs for the parents and communities of limited English proficient children" [section 1111(b)(2)(B)] (see http://www2.ed.gov/policy/elsec/leg/esea02/pg2.html).

Students With Disabilities

- Elementary and Secondary Act of 1965 (PL 89-10)

- State Schools Act of 1965 (PL 89-313)

- Handicapped Children's Early Education Assistance Act of 1968 (PL 90-538)

- Economic Opportunities Amendments of 1972 (PL 92-424)

Similar to ELs, the education of students with disabilities has a long and difficult past. Their education required the advocacy of legislative and judicial precedents

In the mid-to-late 1960s, lawmakers and stakeholders, especially families, began to call for appropriate education for students with disabilities. In 1965, states received direct grant assistance to help educate children with disabilities through the Elementary and Secondary Education Act (PL 89-10) and the State Schools Act (PL 89-313). Congress continued to pass federal acts, the Handicapped Children's Early Education Assistance Act of 1968 (PL 90-538) and the Economic Opportunities Amendments of 1972 (PL 92-424). The focus of these acts was on supporting exemplary early childhood programs and increasing Head Start enrollment for young children with disabilities.

- Education for All Handicapped Children Act of 1975 (Public Law 94-142)

The preliminary acts set the stage for the most significant law, which Congress enacted in 1975, the *Education for All Handicapped Children Act* (Public Law 94-142). The law's four purposes are stated as follows:

- "to assure that all children with disabilities have available to them…a free appropriate public education which emphasizes special education and related services designed to meet their unique needs"

- "to assure that the rights of children with disabilities and their parents…are protected"

- "to assist States and localities to provide for the education of all children with disabilities"

- "to assess and assure the effectiveness of efforts to educate all children with disabilities" (see https://www2.ed.gov/policy/speced/leg/idea/history.pdf)

Also, the law intended to implicitly improve the identification, education, and evaluation of children with disabilities and to provide due process protections for children and families. Financial incentives for states and localities to assist in compliance with Public Law 94-142 were included.

- Individuals with Disabilities Education Act (IDEA) and Amendments of 1997

In 1997, the law from previous years became the "Individuals with Disabilities Education Act (IDEA) of 1997" and additional changes have been made since this time. The most recent version of the IDEA can be found at http://www.gpo.gov/fdsys/pkg/CFR-2006-title34-vol2/pdf/CFR-2006-title34-vol2.pdf

ED provides definitions, examples, and resources for IDEA on its various websites. For an EL educator or someone new to learning about IDEA, the "IDEA Parent Guide" by the National Center for Learning Disabilities is a good resource (see http://www.ncld.org/wp-content/uploads/2014/11/IDEA-Parent-Guide1.pdf).

Court Cases Regarding Students With Disabilities

Court cases around the country paralleled the emergence of the law for children with disabilities, such as initial suits, *the Pennsylvania Association for Retarded Citizens v. Commonwealth* (1971) and *Mills v. Board of Education of the District of Columbia* (1972). The results from the courts ensure that schools and districts implement the requirements from the various legal acts. Thousands of court decisions have advanced the educational and career opportunities for students with disabilities (see https://www2.ed.gov/policy/speced/leg/idea/history.pdf).

Summary

As educators and administrators seek to collaborate in determining the services needed for their ELs with potential disabilities, they should share and educate one another on the legal and judicial history and current policies and requirements to support their learners.

Prerequisite Knowledge and Skills Educators Need

Having reviewed the definition of ELs, the need for the guidance, and the laws and court cases that provide the rights of ELs and the requirements for states and districts, this section focuses on basic knowledge that all Michigan educators need to have about ELs. Teachers of ELs and of bilingual students are required to complete additional university coursework and internships beyond the basic education courses. They must understand concepts such as language development, syntax, semantics, pragmatics, phonology, and methods for teaching language learners, and culture development and awareness. With the increased numbers of ELs in schools and classrooms across the United States, ideally all teachers will acquire some knowledge and skills in these areas to support the ELs in their classrooms.

The topics presented in this section serve as the foundation for understanding ELs: first and second language acquisition; classrooms settings for ELs; classroom assessments for ELs; and best practices for instruction of ELs. These narratives are necessary in order to make informed decisions regarding ELs and potential special education services but by no means provide the depth of information educators need to know about ELs. Educators are encouraged to seek additional information in other ways, including the resources in Appendix M.

First and Second Language Acquisition

Educators need to know how children learn a first language and how they learn a second language. Similarities exist, but differences are important to recognize as well. Young children typically develop their home languages or first languages (L1) in sequential, similar fashions. For example, regardless of the language, 1- and 2-year olds can point to a few body parts, follow simple commands, and put two-words together (e.g., "Go mama") (see http://www.asha.org/public/speech/development/12/). This similar pattern happens in learning a second or new language. Understanding the similarities and the differences in second language acquisition benefits educators' teaching and students' learning.

Developing a Second Language (L2): Basic Interpersonal Communication Skills and Cognitive Academic Language Proficiency

Language learning takes time—it requires many years to become proficient. Research is clear that five to seven years or more (Collier 1987; Hakuta, Butler, & Witt, 2000) are required for students to develop full second language proficiency (with some research suggesting even

longer periods of time). This is because language is complex. Proficiency requires development in four domains: reading, writing, speaking, and listening. Young children learning their first language and all of us learning a second language develop language at two levels. The first or initial level occurs during the first few years of language acquisition. A second more complex level occurs three to five years after the initial level development of language (Cummins, 1979). The initial level, termed Basic Interpersonal Communication Skills, or BICS, includes the student's ability to participate well in social interactions and daily routines. In fact, the student participates so well that in many instances teachers perceive the student's English ability to be much higher than it truly is.

The second, higher level of English understanding and expression is referred to as Cognitive Academic Language Proficiency (CALP), consisting of the language skills necessary to function in an academic setting. Examples of CALP are using and answering higher-order questioning (e.g., why, what if), using cause and effect reasoning, and conducting logical arguments. Teachers of ELs may assist classroom educators in understanding the language needed for accomplishing academic tasks and how they can assist in developing those skills with their ELs. Linguists have concluded that first and second language academic skills are interdependent, that is, a common underlying proficiency exists. In other words, to the extent that instruction in the student's first language (L1) is effective, then the child is able transfer the proficiency to a second language (L2), provided there is adequate exposure (either in the school, community, or home environment) as well as motivation to learn (Cummins, 1981; Kaushanskaya, Yoo, & Marian, 2011).

To determine if students are advancing in their language learning and moving from BICS into CALPs, educators should observe, chart, and review the level of language that is developed over time, including vocabulary, syntax (order of words), and semantics (meaning of words).

In the classroom, teachers can use language sampling to determine growth and changes in English learning. Language samples may be kept in a small notebook for the teacher to carry around easily, writing quotes of the student's understanding of and use of English, including the date, the words, the context, and the meaning (Figure 1). If the teacher knows the student's L1, the teacher might indicate if the student's error is "good"—meaning that the student, while not using correct English, is carrying over some aspect from the L1—a normal stage in learning.

Figure 1. A language sample from a young Japanese EL

Date	Context	Words Spoken	Intent	Comment
January 10	Looking at a picture book	"Girl fast bike **ride**."	The girl is riding her bike fast.	Good error—In Japanese, verbs usually are at the end of the sentence.
February 12	Completing mathematical visual story problem	Boy taking three apples.	The boy is taking three apples.	Using "-ing" for present tense verb

Factors That Affect Second Language Acquisition

As with first language development, second language acquisition is a lengthy process with many variables affecting it. Recognizing those variables will aid teachers in understanding why individual students learn English at different paces and in a different order and why educators should not immediately be concerned if they do not see English developing at a pace they expect. Some factors that affect second language acquisition, which should be considered in discussions about a suspected disability for the English learner, include the following:

- Student's age—older students typically acquire an additional language at a slower rate than young children do.

- Student's prior experience in schooling and academic background—students who have attended or not attended school in the home country are familiar with the concept of school and have content knowledge in some subject areas to bring to his/her learning.

- Experiential background, family history, family literacy levels, and family expectations—if a family exemplifies reading at home, in either language, the student is more accustomed to the habit and value of reading.

- Affective barriers—for example, status as a refugee may mean witnessing traumatic events in the home country, leading to difficulty in feeling safe in the United States and at school.

- Ability to take risks—student is willing to speak aloud even when student knows his/her English is not correct.

- Cultural concerns and misunderstandings may lead to unpleasant situations and at times, lack of feeling safe.

- Ability to read and write in first or native language—a student who is able to read and write in his or her native language may transfer those concepts to English faster and more effectively.

- A degree of native language loss may occur while learning a new language, which may appear as if the student has regressed or is not making progress.

A form for gathering student background information is provided as Tool 1 on page 80.

Learning a new language outside of content or context affects students' development of learning the language. Educators need to teach language and content simultaneously. Research conducted in a variety of program models (Grabe & Stoller, 1997) has shown that content-based instruction results in language learning, content learning, increased student motivation, and greater opportunities for employment. In addition, infusing language and content instruction allows for greater flexibility to be built into the curriculum and instructional activities, which enables the adjustment of instruction to the needs and interests of students. Additional reasons include the following:

- Anderson (1990; 1993) has proposed a cognitive learning theory for instruction that integrates attention to content and language. In this theory, skills (including language) and knowledge follow a general sequence of states of learning from the *cognitive stage* (students notice and attend to information in working memory; they engage in solving basic problems with the language and concepts they are acquiring) to the *associative stage* (errors are corrected and connections to related knowledge are strengthened; knowledge and skills become proceduralized) to the *autonomous stage* (performance becomes automatic, requiring little attentional effort; in this stage cognitive resources are feed up for the next cycle of problem solving, concept learning).

- The presentation of coherent and meaningful information leads to deeper processing, which results in better learning (Anderson, 1990), and information that is more elaborated is learned and recalled better.

- Information that has a greater number of connections to related information promotes better learning (it is more likely that content will have a greater number of connections to other information) (Anderson, 1990).

- Facts and skills taught in isolation need more practice and rehearsal before being internalized or added to long-term memory; coherently presented information (thematically organized) is easier to remember and leads to improved learning (Singer, 1990); information that has a greater number of connections to related

information enhances learning, and content acts as the driving force for the connections to be made.

- Content-based instruction develops a wider range of discourse skills than does traditional language instruction (because of the incorporation of higher cognitive skills); Byrnes (2000) notes the increasing demands for high levels of literacy in languages other than English.

- When planned thoughtfully, content-based activities have the possibility of leading to "flow experiences," that is, optimal experiences that emerge when personal skills are matched by high challenge (Csikszentmihalyi, 1997, in Grabe & Stoller, 1997 and Stoller, 2002).

- Content-based instruction emphasizes a connection to real life, real world skills (Curtain, 1995); in content-based classes, students have more opportunities to use the content knowledge and expertise they bring to class (they activate their prior knowledge, which leads to increased learning of language and content material) (O'Malley & Chamot, 1990).

Frequently Asked Questions About Second Language Acquisition and Teaching ELs

This section contains a set of frequently asked questions and corresponding answers about second language acquisition and teaching ELs. These represent only a few of the myriad questions teachers may have and are specific to learning about ELs' development of English and its relationship to academic content development. Title III district directors should be called on to address other questions that educators and staff may have.

➢ *Does a student's literacy abilities in the home/first language (L1) transfer to development and learning of the second language (L2)?*

Yes. Although the surface (spoken) aspects (e.g., pronunciation, fluency) of different languages are clearly separate, underlying cognitive and academic proficiency is common across languages. This common underlying proficiency makes possible the transfer of cognitive and academic or literacy-related proficiency from one language to another. Studies consistently support the principle of linguistic interdependence across languages, including memory functioning of bilinguals, age and second language learning, and bilingual reading skills (Hakuta & Diaz, 1985). In addition, ELs may manifest **interference** or **transfer** from their first language (L1) to English (L2). This means that a child may make an English error due to the direct influence of an L1 structure. For

example, in Spanish, "esta casa es mas grande" means "this house is bigger." However, a literal translation would be "this house is more bigger." This is a normal phenomenon—a sign of a language difference, not a language disorder.

> *I have a student who does not speak English yet and has been in my classroom for three months. Is this okay? Is the student learning anything?*

Yes, the student is absorbing the language and some information. This is a time of acquiring receptive language—the understanding of a language. Receptive language occurs before expressive language or the speaking of a language. Also, known as the "silent period," this is the receptive language development part of the language learning process. During this period, students develop the needed cognitive connections between their first language and the new language—English. They are working hard to internalize the vocabulary and the rules of English until they are confident enough to speak it. The younger the child, the longer the silent period tends to last. Older children may remain in the silent period for a few weeks or a few months, whereas preschoolers may be relatively silent for a year or more. Teachers' use of pictures and real objects is imperative during these initial months, and allowing students to use them as well to demonstrate their learning is highly appropriate. Some ELs undergo the phenomenon of **language loss.** As they learn English, they lose skills and fluency in L1 if their L1 is not reinforced and maintained. This is called **subtractive bilingualism,** and it can be cognitively and linguistically detrimental to children's learning and to their family lives (especially if the parents speak only the L1 and no English). Ideally, children should experience **additive bilingualism,** developing English and maintaining and reinforcing their first languages and cultures.

> *If a student speaks with English fluency—that is, in sentences and is able to answer questions—why is he or she still enrolled in the EL program?*

The answer to this question connects to the prior section's discussion of BICS and CALP. The student may appear to be fluent in English under specific circumstances, utilizing BICS. The student has the ability to use language in face-to-face communication, follow simple directions, and do well on the playground and in other social settings. The ability to understand and complete school-related literacy tasks and master the content standards of English, previously described as CALP, requires five to seven years or more to develop, depending on a number of variables. Thus, while a student may speak fluently at the BICS level, test results

(i.e., WIDA ACCESS) indicate lack of ability at the CALP level, and therefore, the student remains enrolled in the EL program.

➢ *If a student has exited from an EL program, why does he or she still have problems with academic content?*

Because ELs generally require five to seven years or more to master English at the CALP level, this does not mean that the student no longer needs academic support. Although having formally exited an EL program, the student will likely require additional support toward grade-level performance.

➢ *How can I appropriately challenge EL students academically despite some English language limitations?*

The goal for ELs is to function as proficient and independent learners in the general education classroom and to be challenged academically as all students need to be. If an EL is assigned a task that he/she cannot successfully complete due to the student's current level of language proficiency, the student may lose motivation to succeed. Therefore, it is imperative to know the student's English proficiency level and academic abilities to assign appropriate tasks and challenges that will lead to understanding of the state academic standards and preparation for college and careers. Classroom teachers will need to collaborate with the EL teacher to determine student's language needs and academic abilities. Also, teachers must not forget that ELs may be gifted and talented learners. Their limited English skills may hide higher skills in specific content areas or general learning areas. Districts are required to identify and provide challenging academics (e.g., Advanced Placement, dual enrollment courses) to all students, including ELs.

➢ *What can I do to assess accurately an ELs understanding of what I have taught?*

ELs want to be viewed as learning at the same rate as their English-speaking peers, especially as they become older. They may hesitate to ask questions when they are unclear about what the teacher said as the students may be embarrassed. Therefore, formative assessment, including alternative differentiated and performance-based assessment options, are strongly recommended for ELs. These assessments provide opportunities to demonstrate acquired content knowledge while language skills are still developing. As an example, for graphing in mathematics, students can show their understanding of "The school is five blocks northwest of the library" by moving pictures on the graph made from a shower curtain with masking tape for grid lines. A student who is able to

complete this level of language understanding is also demonstrating a specific level of content knowledge in mathematics.

➢ *What do we need to do to include parents? What are parents' rights?*

Similar to the laws and procedures in special education, requirements exist for including and protecting the rights of parents of ELs. LEAs must follow those requirements as set by the Office of Civil Rights (OCR) and the Department of Justice (DOJ). The offices provided information in their January 7, 2015, "Letter to Colleagues" (see http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf). Districts are responsible for adhering to the information provided in the letter.

Instructional Delivery/Classroom Settings for ELs

LEAs and schools must provide a variety of instructional delivery models, classroom settings, and supports for their ELs. Along with explicit English language development instruction, programs for ELs should be of a high quality, focused on the development of language and literacy across the curriculum while teaching complex thinking despite language proficiency levels and provide sheltered content area instruction as needed (which will be described later) and primary language support or instruction where possible.

Types of Instructional Delivery Methods

A number of research-based program designs exist to ensure academic and emotional success of ELs in the classroom. The settings vary depending on the intensity of support provided for the EL in the native language or English. Students may be fully immersed in English in the mainstream classroom. They may be pulled out to receive English as a second language support or may receive support within the general education classroom by an EL teacher. Several evidence-based instructional delivery models and supports are implemented in Michigan schools.

Newcomer Program

For new arrivals and students with interrupted formal education, LEAs may establish newcomer programs. These programs offer specialized services and classes to help these students acclimate to U.S. schools, develop foundational skills in content areas (e.g., basic literacy and mathematics concepts), and prepare them for transition into general education classrooms. Newcomer programs are short term, typically lasting no longer than one year (ED, Developing Programs for English Language Learners: Glossary)

(see
http://www2.ed.gov/about/offices/list/ocr/ell/glossary.html#newcomer_program). The initial support for newcomers includes providing parents and students with an orientation to the U.S educational system; the district's academic expectations; and available instructional support systems for ELs. Typically, students attend these programs before they enter more traditional English language development programs or mainstream classrooms with supplemental English as a second language (ESL) instruction.

Newcomer programs are especially effective and needed for older ELs—middle or high school—because they must learn both English and grade-level content in a short period. Language development and literacy are key to acquiring content and subject matter for middle and high school ELs. A review of best practices for newcomer programs includes the following:

- "Content-based literacy instruction

- Instructional emphasis on developing academic language

- Explicit comprehension instruction

- Instruction in writing for academic purposes" (Francis, Rivera, Lesaux, Kieffer, & Rivera, 2006).

ESL

The ESL program includes techniques, methodology, and customized curriculum designed to teach ELs explicitly the English language, including the academic vocabulary needed to access content instruction and to develop their English language proficiency in all four language domains (speaking, listening, reading, and writing). Some classrooms are self-contained and taught by an ESL-endorsed teacher; other modes of delivery include collaborative teaching with the ESL-endorsed teacher joining the content area teacher in a general education setting and providing language support to the ELs.

Content-based ESL: Content-based ESL classes focus on the two required areas of learning for ELs:

- Developing English language proficiency

- Preparing ELs for success in mainstream classes, especially in the content areas

Typically, content-based instruction includes the use of topics from the subject areas and often includes the use of thematic units, such as

seasons for the younger children or historical periods for older students. Lessons may be conducted across content areas, and thus teachers work together in the thematic units. The lessons target key content area vocabulary and language for the theme and specific academic tasks (e.g., creating a timeline, taking notes from reference materials, making an oral presentation) (Short, n.d.).

Two-Way or Dual Language Immersion Bilingual Education

Dual language education is the learning of reading, writing, speaking, and listening across academic content areas in two languages. The classroom is usually comprised half of native English speakers and half of primary speakers of the other language. These programs are designed to help native and nonnative English speakers become bilingual and biliterate. The most common types are two-way immersion education: "90/10" and "50/50." In a 90/10 model, 90 percent of instruction in the first year or two is in the partner or target language (e.g., Spanish) and 10 percent in English. During the early elementary grades, the percentage of instruction in the minority language decreases, while the percentage of instruction in English gradually increases. By the fourth or fifth grade, instructional time in each language reaches a 50/50 ratio. In the 50/50 model, instruction in English and the partner or target language is divided evenly at all grades (Howard & Sugarman, 2001). The two-way bilingual immersion program is based on the principle of clear curriculum separation of the two languages of instruction. Teachers do not repeat or translate the subject matter in a second language but strengthen concepts taught in one language across the two languages. The academic requirements are not diluted for dual language students, and research has shown that students are able to achieve the required academic performances (Thomas & Collier, 2002). The languages of instructions are alternated by theme or content area.

Transitional Bilingual Education

In transitional bilingual education (TBE) a student receives education in English as well as in his or her native language across the content areas. Education in this setting continues for no more than three to five years to ensure that students do not fall behind in content areas like mathematics, science, and social studies while they are learning English. Research has shown that many of the skills learned in the native language can be transferred easily to the second language later. The goal is to help students make the transition to mainstream, English-only classrooms as quickly as possible, and the linguistic goal of such programs is English acquisition only. In a transitional bilingual program, the student's primary language is used as a vehicle to develop literacy skills and acquire academic knowledge. Research indicates that students from kindergarten

and first grade in TBE showed improved scores in more areas than those students from structured English immersion programs (Slavin, Madden, Calderón, Chamberlain, & Hennessy, 2010).

In transitional programs, students may receive native language instruction for as few as two ("early exit") or as many as six ("late exit") years alongside instruction in English. The proportion of language use can vary depending on school, district, or state bilingual instructional policies. Early exit programs differ from late exit ones in focusing more on moving ELs to English-only instruction quickly and less on maintaining students' native language proficiency.

One type of late exit transitional model is developmental bilingual education (DBE), also known as "late exit bilingual" or "maintenance bilingual" programs. DBE provides instruction in both English and students' native languages, but the goal is to teach English to language minority students rather than to foster dual language proficiency, as the bilingual model does. Nevertheless, DBE models promote English language learners' facility in both their first and second languages (Calderón et al., 2011).

Bilingual Heritage Language Instruction

Bilingual heritage language learners represent students who are members of indigenous communities (e.g., Navajo, Hawaiian, Arapaho) and who are learning English. Their level of literacy in their indigenous language varies, but they have a cultural connection to the language (Kelleher, 2010). Kelleher notes that:

> the focus of instruction might be community-oriented and focused on language preservation and maintenance, or it might be on heritage language development. Language instruction is part of a larger effort to pass on cultural connections to younger generations (Fishman, 2001; McCarty, 2002).

In a K–12 heritage language instructional program, the intent is to retain and enhance the student's indigenous language by instruction in that language so that the native speaker can achieve biliteracy in English and the native language. Program models include a curriculum designed to build on the skills that native speakers bring, develop those skills in their language in new contexts and domains, and increase students' pride in their heritage, requiring a strong collaboration with an ethnic community (Payton, Ranerd, & McGinnis, 2001).

Sheltered Instruction and Use of the Sheltered Instruction Observation Protocol

In the sheltered English classroom, the student is "sheltered" in learning English through the teacher's embedding of second language learning principles in the classroom. Principles used in sheltered instruction include the following:

- Decrease in the complexity of the language used

- A slower rate yet normal intonation of speech

- Use of context clues

- Extensive use of models, graphics, and visuals

- A connection between the content and the students' experiences

The results of these instructional practices are an increased understanding by the student as the teacher is using language that is "comprehensible" to the student. Underlying sheltered instruction (SI) is Stephen Krashen's theory of "comprehensible input." Krashen theorized that language learners best acquire language if the "input" from the speaker (teacher) is one step beyond the student's current ability or "input + 1" (Krashen, 1982).

A select group of researchers investigated the use of SI and created professional development tools for educators about SI. Their work became known as the "Sheltered Instruction Observation Protocol (SIOP)" (Short, Hudec, & Echevarria, 2002). As with the earlier list of SI principles, SIOP includes teaching comprehension of the content for students through techniques such as the use of visual aids, modeling, demonstrations, graphic organizers, vocabulary previews, predictions, adapted texts, cooperative learning, peer tutoring, multicultural content, and native language support. When using SIOP, teachers strive to create a nonthreatening environment where students feel comfortable taking risks with language. They also make specific connections between the content being taught and students' experiences and prior knowledge and focus on expanding the students' vocabulary base. The eight interrelated components of SIOP address the linguistic and academic needs of ELs:

- Lesson preparation

- Building background

- Comprehensible input

- Strategies

- Interaction

- Practice and application

- Lesson delivery

- Review and assessment (Short et al., 2002)

Summary

Districts need to review the research and the data about their students to carefully select and implement with fidelity the training that their teachers and assistants need about first and second acquisition, types of instructional delivery and classroom strategies, and instructional delivery models. Such thoughtful considerations and implementation should lead to an increase in ELs' English learning and academic achievement.

Determination of Appropriate Instruction for English Learners

Determination of appropriate instruction for EL students occurs through a three-step evaluation (Figure 2).

Figure2. Determining Appropriate Instruction for English Language Learners

Step 1: Ensure appropriate placement, evidence-based instruction, curriculum, and interventions are provided to student **(Tool 4).**

Step 2: Review prior information, determine and conduct appropriate assessments and interventions **(Tool 5).**

Step 3: Discuss current/recent information.

If the results support the need for systematic interventions, one or more of these processes should be implemented to assist the student:

- Implement multitiered system of support for the student by providing additional or different supports in curriculum and/or instruction than previously implemented.
- Change the classroom setting or program to provide additional support to the learner.
- Allow more time for the student in the current setting.
- Complete additional student or classroom observations and testing to gain additional information about the student's needs and learning.
- Provide more support or training for classroom teacher(s).
- Apply additional processes as determined by the team.

Step 1: Ensure Appropriate Placement, Evidence-Based Curriculum, Instruction, and Interventions

As discussed earlier, the research and evidence-based practices provide information as to appropriate types of programs and instruction for ELs and are described further in this section. These practices and support systems should be considered by the instructional team and program administrators. If the types of program, instructional practices, and curriculum being used are not evident, one or more of them may be a reason for the student's learning difficulties.

Effective Practices for ELs: Curriculum and Instruction

Appropriate instruction for ELs is provided in numerous studies. A frequent reference is the report from the National Literacy Panel on Language Minority Children and Youth (August & Shanahan, 2006). The report includes the importance of intensive oral language instruction and a focus on motivating the learners. When some ELs may appear to lack motivation, the panel encourages teachers to examine whether their assignments are meaningful and relevant, at the appropriate instructional level, and comprehensible to students, and if the students have the tools needed to accomplish their assignments. In another report, Harry and Klinger (2006) support a similar focus on the explicit teaching of oral language, which they view as a prerequisite to the student's development of reading fluency and comprehension.

The first step is for the school or district to provide appropriate curriculum and instruction for the learner over an extended period. In their review, the instructional team should address the following questions:

- What was the instruction and curriculum used for the EL? What is appropriate for the student? How do you know?

- Was the instruction explicit, systemic, and implemented early? How do you know?

- Was the instruction based on assessment of the student's strengths and needs with ongoing progress monitoring? How? Were changes made in the instruction and curriculum as determined by progress monitoring data?

- Who implemented the instruction and curriculum? Was the teacher a trained EL educator or a general educator who received strong and continuous support by the EL educator or coach or someone else, such as an assistant or aide?

- Describe how the instruction and curriculum were implemented and monitored.

- How was the determination of fidelity of implementation of curriculum and instruction monitored?

- Were the instructional method and curriculum implemented within a sufficient amount of time to allow changes to occur in the student's skills level?

"Tool 4 Curriculum and Instruction Checklist" (page 91) allows the instructional team to answer these questions to ensure the student has received the appropriate curriculum and instruction before requesting an initial evaluation to determine eligibility for special education programs and services.

Evidence-Based Instruction

Federal law describes the requirements of instruction for ELs. Districts must permit the use of an instructional process based on the child's response to scientific, research-based intervention [see § 34 CFR 300.306(b and c) the special rule for eligibility determination as well as procedures for determining eligibility and educational need]. Specific to literacy instruction, the instructional team considers if the student has received appropriate instruction in reading, including the essential components of reading instruction. Klingner et al. (2010) recommends strategies for each literacy domain, such as oral language, word work, fluency, comprehension, cross-language connections, writing, connections at home, and community (pp. 34–37).

The instructional team should review and be confident that the core reading curriculum meets the following standards to ensure that the EL has received appropriate instruction:

- High-quality and comprehensive

- Culturally and linguistically appropriate

- Evidenced based

- Aligned with state and local grade level and grade span expectations

- Includes the essential components of reading instruction (phonemic awareness, phonics, fluency, vocabulary, and comprehension)

- Utilizes the students' L1 literacy abilities, as appropriate

In addition, both reading and mathematics curriculum and instruction should focus on and be aligned with the instructional shifts that occur in the Common Core State Standards that are embedded in Michigan's Education Standards, English Language Arts. In reading, the instructional shifts are as follows:

- Regular practice with complex texts and their academic language

- Reading, writing, and speaking grounded in evidence from texts, both literary and informational

- Building knowledge through content-rich nonfiction

In mathematics, the four instructional shifts are the following:

- High-quality and comprehensive

- Culturally and linguistically appropriate

- Evidenced based

- Aligned with state and local grade level and grade span expectations and correspond to the state standards

Scientifically based mathematics programs include the essential components of mathematics instruction (conceptual understanding, procedural fluency, strategic competence, adaptive reasoning, and productive response), as recommended by the National Council of Teachers of Mathematics (Rutherford, 2015) (see http://www.nctm.org/Publications/Teaching-Children-Mathematics/Blog/What-Do-the-Standards-for-Mathematical-Practice-Mean-to-You).

Similar to literacy instruction, it is recommended that ELs be screened for potential problems in mathematics, identified if risk factors are determined, and provided targeted supplemental instruction. Gersten, Beckmann, Clarke, Foegen, Marsh, Star, and Witzel (2009) identified the following effective mathematics practices:

- Instructional materials focus on in-depth treatment of whole numbers in kindergarten through Grade 5 and on rational numbers in Grades 4 through 8.

- Instruction during intervention should be explicit and systematic by providing models for problem solving, verbalization of thought processes, guided practice, corrective feedback, and frequent cumulative review.

- Interventions should include instruction on solving word problems that are based on common underlying structures.

- Interventions materials should include opportunities for students to work with visual representations of mathematical ideas and interventionists should be proficient in the use of visual representations of mathematical ideas.

- Interventions at all grade levels should devote about 10 minutes in each session to building fluent retrieval of basic arithmetic facts.

- The progress of students receiving supplemental instruction and other students who are at risk should be monitored.

In supporting the instruction, scientifically based curricula must be used; that is, the curricula should apply rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; it should employ systematic, empirical methods that draw on observation or experiment; and it should involve rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn [see ESEA Sec 9101 (37)].

Instruction and curriculum need to adhere to the cognitive and linguistic abilities and interests of ELs. Classroom teachers need to consider:

- What are the supplemental materials that are available and linguistically appropriate for ELs?

- Do school or district data sets determine that the selected curriculum is impacting the learning of the students?

The learning environment must be responsive to ELs both linguistically and culturally, remembering that the students are gradually learning a new language while simultaneously learning new content. Therefore, linguistically accessible, grade-level appropriate, and culturally relevant curriculum and instruction are needed. An excellent resource for teachers to use when considering the skills needed by their ELs is "Overview of the Common Core State Standards Initiatives for ELLs" (TESOL International Association, 2013).

Implementation Integrity: To assess the integrity of curriculum implementation, several factors should be examined through existing mechanisms, such as the district leadership process, district improvement process, curriculum review and adoption process, professional development plans, integrity checklists, and school and classroom walk-throughs.

1. The length of time the curriculum has been in place in the school.

2. The amount of training the teachers received in using the curriculum and supplemental instruction.

3. The degree to which the teachers implemented the prescribed instructional procedures and materials associated with the core curriculum and supplemental instruction.

4. The degree to which the teachers used effective instruction methodologies and techniques (e.g., differentiation, scaffolding, frequent opportunities to respond with corrective feedback).

5. The length of time the student was taught the curriculum.

Use of Appropriate Interventions in the Classroom

If it is determined that the EL needs additional support, several interventions are considered appropriate in Michigan. The most common system used is the multitiered system of supports (MTSS). The school or district determines the support system to use, but the system must be adjusted to fit the needs of ELs. A team must determine the appropriate interventions, develop those interventions, and implement and monitor the fidelity of implementation. The team must review for the following evidence:

- Interventions were scientific, research-based, and represent instructional effective practice for each of the student populations being served and were of sufficient intensity (e.g., interventions should be described and documented on Intervention Plans).

- Interventions were delivered with fidelity by qualified personnel (e.g., written observations of delivery of interventions, interview checklists or self-evaluation checklists that monitor integrity of intervention).

- Interventions were implemented for a sufficient amount of time to allow changes to occur in the student's skills level. ("Sufficient" time will vary depending on such factors as initial baseline performance level, skill area, intensity of intervention, intervention program recommendations from publisher for fidelity, and age of student.)

- Changes were made to an intervention when progress-monitoring data indicated the student was not making progress (e.g., intervention plans, personal literacy plans, progress monitoring graphs).

Documentation of progress monitoring should include both a visual display of student's response to intervention (i.e., aim line, trend line) and a quantitative index of student's rate of improvement determined by the student's slope of progress. Rate of improvement is the amount of improvement divided by the time devoted to it. Information on progress monitoring assessments and calculating slope of progress can be found at the National Center of Progress Monitoring (www.progressmonitoring.org), the RTI Action Network (www.rtinetwork.org), and the Vanderbilt University's IRIS Center (www.iris.peabody.vanderbilt.edu).

As with achievement gap, multiple measures must be used to make educational decisions for ELs to ensure accuracy of identifying students' strengths and areas of need. Standardized tests tend to lack cultural sensitivity to the unique needs of ELs, have not been standardized on groups of ELs, and, therefore, are not appropriate to measure ELs' achievement. Curriculum-based assessment, dynamic assessment framework, and performance-based measures aligned to ESL curriculum and instruction that are evidence-based would be appropriate in examining progress for ELs.

An EL's performance should be compared to other ELs in the same program *in addition* to non-EL peers. Because an EL might score low on a standardized measure that is conducted in English—in which the student is not yet proficient nor normed on ELs—it is important to examine the EL's progress on WIDA levels.

The student's English language acquisition progress to the scientific, research-based intervention process is regularly monitored to determine whether the student (or a group of comparable ELs) is progressing with the current curriculum and instructional program. This determination must be made before changing the interventions. ELs' alternative language program (ALP) services, although important and necessary, should not be the only interventions considered under the MTSS process. The ALP should be considered part of core instruction provided by the district to remove language barriers to learning the academic content. It should be used prior to determining whether intervention for smaller groups of individuals, or individuals within that group, is needed.

Specific intervention models used in Michigan

Intervention through MTSS: MDE supports the use of MTSS, which is defined as an integrated, multitiered system of instruction, assessment, and intervention designed to meet the achievement and behavioral health needs of *all* learners. Experience has demonstrated that in order to

increase achievement, successful systems plan their improvement efforts collaboratively. Developing one common plan for improvement streamlines the school and district's efforts and resources and maximizes improvement for all learners. By strategically embedding an MTSS framework into the district and school improvement plan, a school system sets itself up for continuity and alignment in the implementation of a research-based system of MTSS.

The MTSS used with ELs incorporates both academic and behavioral issues to assist all students with an additional emphasis on English language development and instruction. Michigan MTSS includes eleven essential elements arranged by 5 cluster areas:

1. Instruction and Intervention

- **Effective instruction for all learners.** A unified system of comprehensive service delivery requiring significant general and special education system change that meets the needs of all learners.

- **Early intervention**. All learners are screened through assessments several times per year to identify learners who are not making expected progress. These learners are provided with targeted interventions and monitored for progress on an ongoing basis.

- **Multitiered model of instruction and intervention**. Levels of intervention will be used to meet the learning needs of all learners.

  - Tier 1 is the research-based core curriculum and classroom interventions that will be available to all learners and effectively meet the needs of 80 percent to 85 percent of the students.

  - Tier 2 is a targeted group of interventions serving approximately 15 percent of the learners. These supports are provided in addition to the continuation of Tier 1 instruction. Learners will move fluidly between Tier 1 and Tier 2.

  - Tier 3 interventions serve approximately 5 percent of the learners. Learners at this level receive intense individual interventions while continuing to receive Tier 1 instruction. Based on their performance, learners move fluidly between all three tiers.

2. Problem Solving

- **Collaborative problem solving model.** A structured, systematic problem-solving model based in general education identifies student learning needs, analyzes learning problems, and guides instructional decisions.

3. Implementation Evidenced-Based Practices

- **Research-based core curriculum** (aligned with Michigan's state standards). The curriculum is aligned with the Michigan standards to ensure that learners are exposed to curriculum that has demonstrated effectiveness in meeting the learning needs of at least 80 percent of the student population.

- **Research and evidence-based, scientifically validated, instruction and interventions**. The district, school, and teachers use instruction and interventions that have been validated through research and evidence as having a substantial impact on student achievement.

- **Implement with fidelity**. Staff members implement instructional and intervention practices according to the intent of the research base.

4. Data and Assessment

- **Monitor student progress to inform instruction.** Teachers use relevant data to measure, on an ongoing basis, student progress to inform their educational decision making and impact what they are doing to improve student achievement.

- **Data-based decision making.** The district, school, and staff use data to guide all of their instructional decisions.

- **Use assessments for three purposes: universal screening, diagnostics, and progress monitoring.** Staff members use an assessment to screen the instructional needs of all learners. As learners are identified for more intensive instruction or interventions, staff members use diagnostic assessments to identify the specific learning needs of all learners. Staff members monitor the progress of the student to inform their ongoing decision making.

5. Stakeholder Engagement

- **Engage families and community.** Families and community are engaged and informed in the instructional process.

For more information, refer to the following MTSS link:
http://www.michigan.gov/mtss

Intervention Through Michigan's Integrated Behavior and Learning Support Initiative (MiBLSI)
This approach is funded by MDE's Office of Special Education and is designed to help schools develop schoolwide support systems in reading and behavior. The integrated model of support is based on several shared functions across behavior and reading, which include team approach, evidence-based practices, progress monitoring, and data-based decision making. Additional information about the MiBLSi model is available at the following link: http://miblsi.cenmi.org

Intervention Through Response to Intervention (RtI)
Many of Michigan's schools apply the RtI model. Both RtI and MTSS follow the same intervention processes. RtI integrates assessment and intervention within a multilevel prevention system to maximize student achievement and to reduce behavioral problems. RtI schools use data to identify students who are at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions, adjust the intensity and nature of those interventions depending on a student's responsiveness, and identify students with learning disabilities or other disabilities. Although discussions in the field frequently refer to "tiers" to designate different interventions, RTI terms are described as "levels" rather than tiers to refer to three prevention foci: primary *level*, secondary *level*, and tertiary *level*. Within each of these levels of prevention, there can be more than one intervention as described in the Center on Response to Intervention website (http://www.rti4success.org/essential-components-rti/multi-level-prevention-system).

MTSS promotes many of the same supports and components as RtI, such as the following:

- Uses high-quality standards and research-based, culturally and linguistically appropriate instruction with the belief that every student can learn

- Integrates a data collection and assessment system, including universal screening, diagnostics, and progress monitoring systems to inform decisions appropriate for each tier of service delivery to students

- Relies on a problem-solving systems process and method to identify problems, develop interventions, and evaluate the effectiveness of the interventions in an MTSS delivery

- Seeks and implements appropriate research-based interventions

- Uses schoolwide and classroom research-based positive behavioral supports for achieving important social and learning outcomes

- Implements a collaborative approach to analyzing student data and working together during the intervention process

MTSS has a broader scope when compared to RtI in that MTSS includes the following:

- "Focusing on aligning the entire system of initiatives, supports, and resources

- Systematically addressing support for *all* students, including high achievers

- Setting higher expectations for all students through intentional design and redesign of integrated services and supports rather than selection of a few components of RtI and intensive interventions

- Endorsing universal design for learning instructional strategies through differentiated content, processes, and product

- Integrating instructional and intervention support so that systemic changes are sustainable and based on CCSS-aligned classroom instruction." (California Department of Education, 2015) (see http://www.cde.ca.gov/ci/cr/ri/mtsscomprti2.asp).

Step 2: Review Prior Information, Determine and Conduct Appropriate Assessments and Interventions

For step 2, before conducting any new assessments, information from prior assessments and sources should be obtained and reviewed. These should include the school records noting number of days tardy, attendance rates, and grades; scores on the standardized language proficiency tests (WIDA); and results from other formal assessments. The evaluation team should review summaries from informal assessments of the classroom teachers and EL teachers, such as teacher logs, teacher observations, student projects, and oral language and writing samples. At the middle and secondary levels, information should be received across the content areas for problem areas. Based on the review of these results and the information in Step 2, such as determining if the student is receiving instruction that reflects best practices for ELs, the team determines the additional assessments to be conducted.

Select and Conduct Appropriate Informal Assessments and interventions

Factors that should be considered when determining assessments for an EL student include the following:

Using Appropriate Evaluation Materials and Processes

As with any assessment, it is critical that the right person conduct the assessment using the right protocol. An experienced bilingual educator or an English language educator and a school psychologist with knowledge about ELs should determine the appropriate materials and procedures to assess an EL. The assessment must clearly assess content knowledge and cognitive skills rather than English language skills. The following factors are required when evaluating an EL:

- Collaborate with an EL educator regarding student information that will facilitate evaluation procedures.

- Obtain information from classroom teachers and others who have frequent contact with the student.

- Conduct the evaluation based on Michigan's timeline for an initial evaluation (R340.17216). (See Appendix B.)

- Involve an interdisciplinary team of professionals in the evaluation process.

- Use culturally fair, bilingual assessments (if applicable), and unbiased evaluation tools, and rule out the presence of cultural and linguistic factors when evaluating students from diverse backgrounds for eligibility for all services.

- Follow appropriate procedures for the use of interpreters and translators.

Utilizing Interpreters

When an EL student is not proficient enough to understand oral or written communication and directions, a licensed interpreter who speaks the student's native or primary language should be involved during all parts of the evaluation, including student testing, collecting information or communication samples, and communicating with the student's parents. An interpreter who joins the evaluator or assessor must be adequately trained on specific procedures and how to interpret educational terms and processes prior to joining the assessment team. This training and adhering to proper protocol will ensure assessment validity.

Use of Progress Monitoring Tools

In combination with formal assessments, progress-monitoring tools assist in providing additional information to interpret the assessment results. Progress monitoring tools consider how the student's **rate of progress** compares to the **expected rate of progress**. The student's area of concern is defined in measureable terms, is monitored with an objective, valid, ongoing assessment tool that is directly linked to the area of need and monitored over time to assure reliability. All progress-monitoring tools and methodology must be culturally and linguistically appropriate. The student's baseline level of performance is established at the start of an intervention. A goal is decided on that can be realistically reached in a reasonable time. The student's performance data are collected weekly to determine the student's response to the intervention. If the student's response is not consistent with the goal, modifications are made to the intervention. A comparison of expected rate with actual rate is made. When making decisions about rate of educational progress, teams must clearly identify the standard to which progress will be compared. Three standards for evaluating students' rate of progress have been identified: Research Sample Norms, Local School/District Norms, and Criterion-Referenced Benchmarks (Hoover, 2012; Shinn, 1989). In each instance, individual student's growth rates are compared to the expected rate of progress within each grade as found in a research sample, a local norm sample, or an expected rate of progress to meet criterion-referenced benchmarks or grade-level equivalents.

Step 3: Discuss current information

In Step 3, the team considers if the student needs to be evaluated for a suspected disability from evidence of multiple data sources. The team examines the data for a demonstration that the student's current achievement is significantly discrepant from his/or her peers and the student has not make sufficient progress even after the provision of intensive interventions. Refer to Tool 3 (p. 86) for recommended data gathering questions to assist in gathering appropriate and necessary information on the student. Additional tools are included in the Office of Civil Rights and Department of Justice letter listed in the reference section.

In summary, the district should follow Steps 1–3 (as outlined in the flow chart on page 24). Districts may require the specific documentation be kept in the student's file. A listing of the questions for this data collection about curriculum, and instruction is available in Tool 2 (p. 83)_ and Tool 3 (p. 86). The district should use these checklists.

Child Find Obligations

When a district suspects a child has a disability, SEAs and LEAs have a federal obligation under the Child Find activities of IDEA (Appendix A). These activities are undertaken for children who are suspected of having a disability and who may need special education services. IDEA states:

> The State must have in effect policies and procedures to ensure that—All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated." 34 CFR § 300.111(a)(1)

If at any time during an MTSS intervention process the district has reason to suspect a disability, the use of MTSS does not diminish a district's obligation under the IDEA to obtain parental consent and evaluate a student in a timely manner.

According to 34 CFR §300.301(b), a request for an evaluation can be made by either a parent of a child or a public agency may initiate a request for an evaluation to determine if a child is eligible for special education programs and services. Once this request for an evaluation is made, then the timelines of the Michigan Administrative Rules for Special Education at R 340.1721b begin. Within 10 school days of receipt of a written request for any evaluation, the public agency shall provide the parent with written notice consistent with 34 CFR § 300.503 and if necessary shall request consent to evaluate.

Once the district receives the parental consent for an evaluation, the district has 30 school days to determine eligibility and provide notice of a free appropriate public education.

Evaluation Process

In Michigan, an evaluation for eligibility for special education is conducted by a multidisciplinary evaluation team that includes a minimum of two persons who are responsible for evaluating a student suspected of having a disability. The required evaluators are outlined in the eligibility categories found in the Michigan Administrative Rules for Special Education R 340.1705-1717 and are outlined in the following chart. The timelines for an initial evaluation are found in R 340.1721b and are outlined in Appendix B.

Category	Evaluators
Cognitive Impairment R 340.1705 Cognitive impairment; determination	Psychologist
Emotional Impairment R 340.1706 Emotional impairment; determination; evaluation report	Psychologist or psychiatrist and school social worker
Hearing Impairment R 340.1707 Hearing impairment explained; determination	Audiologist and an otolaryngologist or otologist
Visual Impairment R 340.1708 Visual impairment explained; determination	Ophthalmologist or optometrist
Physical Impairment R 340.1709 "Physical impairment" defined; determination	Orthopedic surgeon, internist, neurologist, pediatrician, family physician, or any approved physician
Other Health Impairment R 340.1709a "Other health impairment" defined; determination	Orthopedic surgeon, internist, neurologist, pediatrician, family physician, or any approved physician
Speech and Language Impairment R 340.1710 "Speech and language impairment" defined; determination	Teacher of students with a speech and language impairment or a speech and language pathologist
Early Childhood Developmental Delay R 340.1711 "Early childhood developmental delay" defined; determination	Evaluators determined by a team
Specific Learning Disability R 340.1713 Specific learning disability defined; determination	Student's general education teacher (or a teacher qualified to teach student's age) plus a person qualified to conduct individual diagnostic exams, such as a school psychologist, authorized provider of speech and language, or a teacher consultant

Category	Evaluators
Severe Multiple Impairments R 340.1714 Severe multiple impairment; determination	Psychologist and, depending upon the disabilities in the physical domain, evaluations required in R 340.1707, R 340.1708, R 340.1709, R 340.1709a, or R 340.1716
Autism Spectrum Disorder R 340.1715 Autism spectrum disorder defined; determination	Psychologist or psychiatrist, authorized provider of speech and language, and a school social worker
Traumatic Brain Injury R 340.1716 "Traumatic brain injury" defined; determination	Assessment from family physician or any approved physician
Deaf-blindness	Ophthalmologist, optometrist, audiologist, otolaryngologist, otologist, family physician or other approved physician; teacher of students with visual impairment and a teacher of students with hearing impairment

34 CFR § 300.304(c)(4) also indicates that the district must ensure that the student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

34 CFR § 300.304(b) gives specific requirements for evaluation procedures:

Each public agency must ensure the following:

1. A variety of assessments and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parent.

2. No single measure or assessment is used as the sole criterion for determining whether a child has a disability and for determining an appropriate educational program for the child.

3. Technically sound instruments are used that may assess the relative contribution of cognitive, behavioral facts, in addition to physical or developmental factors.

Assessments and other evaluation materials used to assess the child must meet the following criteria:

(i)   Are selected and administered so as not to be discriminatory on a racial or cultural basis

(ii) Are provided and administered in the child's <u>native language</u> or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer

(iii) Are used for the purposes for which the assessments or measures are valid and reliable

(iv) Are administered by trained and knowledgeable personnel

(v)   Are administered in accordance with any instructions provided by the producer of the assessments

Some assessments that the multidisciplinary evaluation team may want to use include the following:

- State assessment data or local assessment aligned with state standards
- WIDA ACCESS for ELs, and interim language proficiency assessment
- Data from local districtwide assessment that is aligned with the state standards
- Progress monitoring data (such as end-of-course quarterly or interim assessments) collected in regular intervals for individual or groups of students
- Authentic assessment (e.g., portfolios, observations, teacher-made assessments using rubrics)

The purpose of the evaluation is two-fold: it needs to provide enough information to determine if the child has a disability under 34 CFR § 300.8 and the content of the child's IEP including information related to enabling the child to be involved in and progress in the general education curriculum or for a preschool child, to participate in appropriate activities (34 CFR § 300.304(b)(i)(ii)).

Determination of Eligibility

Upon the completion of the evaluation, the individualized education team makes a determination if the student is eligible for special education

programs and services. According to 34 CFR § 300.321 the IEP team includes the following:

1. The parent(s) of the child

2. Not less than one regular educator of the child (if the child is or may be participating in the regular education environment)

3. Not less than one special education teacher

4. A representative of the public agency who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities

    (a) Is knowledgeable about the general education curriculum

    (b) Is knowledgeable about the availability of resources of the public agency

5. A person who is qualified to interpret the results of the evaluation

The student must meet the eligibility criteria of one of the categories found in the Michigan Administrative Rules for Special Education R 340.1705-1717. In addition, a student is considered eligible if the following are true:

1. The child has disability that negatively impacts his/her educational performance.

2. The child needs special education in order to progress in the general education curriculum.

It is essential that the IEP team include participants who have knowledge of the student's language needs and understand cultural differences and how they impact language development. It is also important that the IEP team include professionals with training and preferably expertise in second language acquisition and how to differentiate between the student's needs stemming from a disability or lack of English language proficiency (ED, 2015). When determining eligibility a child must not be determined to be eligible for special education programs and services if the determinate factor for that determination is either of the following:

1. Lack of appropriate instruction, including the essential components of reading: phonemic awareness, phonics, vocabulary development, reading fluency, including oral reading skills and reading comprehensive strategies

2. Lack of appropriate instruction in mathematics

3. Limited English proficiency

When reviewing a student's English proficiency, the team should consider the following:

- ELs' rates in acquiring English proficiency vary depending on several factors, including but not limited to the amount of prior education before coming to the United States; the level of proficiency in their home language; and the level of language support received from the school, home, and community in the past.

- ELs who grow up in the United States are often considered "simultaneous bilinguals" whose full language skills would be a composite of both the first and second language. Therefore, the teaching team should assess concept knowledge and vocabulary in both native language, if appropriate, and English in order to accurately obtain the student's full language proficiencies.

  - Mixed proficiency in the native language and in English is not an indicator of language impairment. A student may demonstrate strengths and weaknesses in either or both languages depending on instruction and usage of first language and second language at home and school.

  - When an underlying difficulty is due to a disability, it will manifest itself across languages and contexts. For example, if the child is having difficulty following directions, then the team should see if the same difficulty occurs in social as well as academic settings and whether it occurs in the home language as well as in English. It would be inappropriate to find that the EL student has a disability in one language and not the other. The team should also find out if the student is progressing in learning English at about the same level as the student's EL siblings or peers.

If an IEP team determines that a student is eligible for special education, the team will develop an IEP, which is defined at 34 CFR § 300.22 as a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 34 CFR § 300.320 through 300.324. The IEP also must include the requirements of R 340.1721e. The IEP must address the EL's language needs and include disability-related services designed to address these needs. The instructional services should allow ELs with a disability to be involved and make continuous progress in the general education curriculum and to participate in extracurricular activities (ED, 2015).

Appendix A. Child Find

Michigan Special Education One Pager: Child Find

Component	District Practices
Public Awareness	All public agencies that provide education to children have a federal obligation to identify, locate, and evaluate all children who are suspected to have a disability. School districts must regularly—at least once every school year—inform teachers, parents, non-public schools, and the local community about evaluation and special education services available at no cost to parents and about how to access the services.
Referral (ages birth to 3)	School districts and service areas must accept referrals from any source. A referral must be submitted within seven calendar days of identifying that a child has a potential need for services. A referral starts the 45 day timeline for completion of an evaluation and an Individualized Family Service Plan (IFSP). A referral is NOT used for a student aged 3 through 25. See *Written Request for Initial Evaluation*.
Written Request for Initial Evaluation (ages 3 through 25)	When a written request for an evaluation is received, the district must provide notice and request parental consent. Parental consent must be obtained before initiating the evaluation process. Only a parent or a school district is permitted to request an initial evaluation.
Notice	Before a district evaluates a child, the district must give written information to the parent to inform them about the evaluation and request written signed consent from the parent. The written information given to the parent is called a "notice." This notice must meet all the requirements of the *Individuals with Disabilities Education Act* (IDEA) and the *Michigan Administrative Rules for Special Education* (MARSE).
Consent to Evaluate	The district must have written and signed parental consent before the district is permitted to evaluate a child. *Under no circumstances is a district allowed to evaluate a child suspected of having a disability without permission in the form of written, signed consent from the child's parent.*
Evaluation	For every child for whom the district receives written signed parental consent to evaluate, the district will complete an evaluation following all the requirements in the IDEA and the MARSE. (NOTE—the evaluations conducted for Child Find are commonly referred to as Initial Evaluations. See Michigan One Pager (MOP) "Timeline for Initials" for more specific information.)

Child Find activities are undertaken for children who are suspected of having a disability and who may need special education services. The *Individuals with Disabilities Education Act* (IDEA) states: "The State must have in effect policies and procedures to ensure that—All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated." § 34 CFR 300.111(a)(1)

Child Find systems must also include students who are advancing from grade to grade, those who are highly mobile, and those enrolled by their parents in non-public schools.

These special education policies are required under the *Individuals with Disabilities Education Act* (IDEA) and the *Michigan Administrative Rules for Special Education* (MARSE).

This document is produced by the Michigan Department of Education. To learn more, visit www.michigan.gov/ose-eis and select Annual Performance Report/State Performance Plan under the Special Education tab. For an overview of the State Performance Plan Child Find Indicator 11, visit www.cenmi.org and select Special Education Facts under the Documents tab.

MICHIGAN
Education
Department of
Office of Special Education

Guidance Handbook for Educators of English Learners With Suspected Disabilities

Appendix B. Timeline for Initials

Michigan Special Education One Pager: Timeline for Initials

Activity	Timeline
Public Awareness School districts must inform the public about available special education programs and services and how to access those programs and services. This is part of the district's Child Find responsibility.	**Annually; Ongoing**
Request for Initial Evaluation When a child is suspected of having a disability, a written request for an initial evaluation is submitted to school district personnel.	**Anytime**
Parental Consent to Evaluate When a request for an initial evaluation is received the district must request parental consent to evaluate a child suspected of having a disability.	**Within 10 school days** Counted from the date the district receives the request.
Evaluation A Multidisciplinary Evaluation Team (MET) conducts the initial evaluation.	**Within 30 school days*** Counted from the date the district receives the Parental Consent to Evaluate to the offer of a FAPE (the time to complete the Evaluation is included in the 30 school days).
Individualized Education Program (IEP) The IEP Team is convened to determine eligibility or ineligibility. If eligible, the team develops the child's IEP. The IEP is completed when the district makes an offer of a Free Appropriate Public Education (FAPE) to the child's parent.	*If the parent and the district agree, the timeline for initial activities may be extended beyond 30 school days.
Notice to Parent of Intent to Implement The public agency provides written notice to the parent about where and when the district intends to implement the IEP.	**Within 7 school days** Counted from the date of the IEP Team meeting.
Parental Consent for Provision of Programs and Services Parent consent is required before special education programs and services are provided to a child for the first time.	**Within 10 school days** Counted from the date the district initiates delivery of the Notice to Parent of Intent to Implement.
Implementation The district implements the child's IEP.	**Within 15 school days*** Counted from the date of the Notice to Parent of Intent to Implement. *If the parent and district agree, the timeline for implementing the IEP can be extended.

Initial evaluations and initial individualized education programs (commonly referred to as 'initials') are activities undertaken for a child who is not currently receiving special education services.

These special education policies are required under the *Individuals with Disabilities Education Act* (IDEA) and the *Michigan Administrative Rules for Special Education* (MARSE).

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Appendix C. Case Studies and Scenarios

ELs and Suspected Speech and Language Impairment

Reiko is a second grade native Japanese speaker who was enrolled in her school in kindergarten, shortly after arriving in the United States. Her family consists of her mother, father, and a younger sister. The family speaks Japanese at home to maintain the language as the family will return home in three years after the father's term in the nearby university ends. In the school district, Japanese is not available as a bilingual language. Thus, Reiko receives EL services through a pull-out program for one hour a day and one hour with the EL teacher in her classroom each day. The classroom teachers are trained in SIOP and use it intermittently. It is April, and the classroom teacher is concerned in that Reiko has received almost three years of English instruction and continues to make errors such as the following:

- In sounding out words in reading: difficulty with diphthongs, /ou/ as in "cow" and with the consonants, "r" – "g" – "l"

- In reading, sometimes, looks at book from left page to right

- When writing creates sentences in order of: subject + object + verb, "Mommy the car drive"

- In writing or speaking often does not include the subject, "At home, go drive" (assumes the listener knows it is mommy)

- In writing and speaking does not change the order of a question but add rising intonation when speaking, "Momma go drive?" (rising intonation)

- Attempts to add past tense to adjectives, "I like fasted ran."

Through observations, the speech language therapist, the EL specialist, and the classroom teachers assembled these examples of Reiko's speech and language and other items in the student's portfolio. The team has searched their community for a Japanese interpreter, but none can be found. However, a native Japanese speaker from the automobile plant where Reiko's father works is available, and his children attend the same school. Because of the high level required for ranking (e.g., woman to woman, not to a man) politeness and confidentiality in Japanese society, a female teacher asks to meet privately with the other student's mother. The situation is not described in detail; it is simply put that the teachers wish to learn more about the Japanese language in order to help the children. The teacher mentions each item on the list and if the item is similar or different in Japanese. The parent responds that for each item the student is following the pronunciation and the grammar from

Japanese. The teacher returns to the school and meets with the other specialists and explains the situation. The team decides not to pursue a special education evaluation, as the errors seem to be "normal" for the student. However, they do decide to review the EL support the child is receiving and find ways to enhance her learning, and continue to monitor the student's progress.

ELs and Suspected Emotional Impairment

A student in third grade was referred to the MTSS team because she would not respond to the teacher either in her native language or in English. She would not make eye contact and appeared distracted and withdrawn. The teacher was concerned because the student did not have friends at school. The teacher met with the student's parents, and they reported that they had emigrated from Iraq three years ago due to the war. Prior to coming to the United States, they were in a resettlement refugee camp. Her mother reported that the student speaks to them in her native language at home and does not complain about school. She plays with her siblings. The teacher paired the student with a fifth grade student mentor and seated her next to peers who were sociable, friendly, and of the same gender. After six weeks, the student began to respond to the teacher and the fifth grade mentor. The MTSS team conducted a classroom observation and noted that the student was intent on listening rather than responding. This may be due to a silent period, which can last for several months for a younger EL student. The usual progress of second language learning is a time when the student's focus is more on listening to analyze the nuances of the second language. It is essential, therefore, that when considering an EL student who may be at risk for an emotional impairment, information must be considered in the context of the student's social and cultural background as well as the setting in which he or she is functioning. When determining eligibility for special education under the category of emotional impairment, it is also important to consider linguistic differences and cultural influences on a student's behavior. In this scenario, the student demonstrates school behaviors such as playing in isolation, not speaking in academic settings only, having trouble with following directions, and expressing ideas and feelings. Such behaviors may be misinterpreted or mislabeled as emotional or behavioral problems when in fact such behaviors are common to the typical developmental stages related to acquiring a new language. It is, therefore, critical that MTSS team members have an understanding of the acquisition of a new language and that the information considered by the team is gathered from a variety of sources. This ensures accurate information about the linguistically diverse student's cultural and family background, knowledge and developmental, functional, and academic levels. Such an understanding of the individual

student will enable teams to distinguish between behaviors associated with second language acquisition and those that might be indicative of an emotional impairment.

EL and Suspected Learning Disability

A middle school student comes from a family that uses L1 at home, and the student is exposed to English during the school day. The student was referred through the MTSS process because the student did well on oral language proficiency tests on the WIDA. However, reading comprehension was the area of concern. The MTSS team reviewed his academic history and noted that reading comprehension was much lower when compared to classmates on the Northwest Evaluation Association (NWEA). Also, the teacher noted that he lagged behind his peers in other academic skills. The referring teacher suspected a specific learning disability in reading comprehension.

The MTSS team provided the following interventions: after school tutoring to help him catch up with his classmates because his parents spoke L1 and were unable to provide homework assistance. The reading interventionist provided small-group assistance. Staff members met with the parents to learn about the student's background and form a partnership for the student's success.

The MTSS team met regularly to determine if reading comprehension concerns were still evident after providing intensive support to determine if it is a language issue or a learning disability. Progress monitoring reports indicated progress in mathematics, followed by gains in social studies and science. However, language arts showed minimal progress. The questions being addressed related to the EL's academic progress: Are the skills gained over time could be considered in terms of strengths and weaknesses? Does the student's learning favor some areas, such as mathematics versus language arts?

The team's proactive approach included obtaining consent from parents to evaluate the student for special education services. The assessments, by the speech and language consultant, determined that the student's expressive and receptive language abilities were consistent. The interventionist's evaluation determined that language dominance and proficiency in L1 was higher when compared to L2. The school psychologist used the C-LIM from the Essentials of Cross Battery Assessment disc to determine whether or not the student's score profile is reflective of an SLD profile or bilingual issue. The assessment graphs the student's individual subtest scores according to the cultural and linguistic demands of the tests as outlined by Samuel Ortiz.

Culture Language Interpretive Matrix (C-LIM) Analysis

The C-LIM is a tool for assessing the extent to which a person's performance on norm-referenced tests might have been influenced more by cultural and linguistic factors than by actual ability. Because the student is not a native English speaker, it is necessary to establish the validity of the results obtained from testing to ensure that they are accurate estimates of ability or knowledge and not the manifestation of cultural or linguistic differences. To this end, a systematic evaluation of the possible effects of lack of acculturation and limited English proficiency was carried out using the C-LIM.

Because the observed pattern is consistent with performance that is typical of nondisabled, culturally, and linguistically diverse individuals with average ability, it can be reasonably concluded, with supporting multiple sources of data, that test performance should not be attributed primarily to the presence of a learning disability.

Therefore, the team decided to continue supporting and monitoring the student's progress, as the academic concerns were more likely due to the acquisition of second language rather than a learning disability.

Appendix D. Frequently Asked Questions

Following are questions frequently asked by administrators, classroom teachers, EL teachers, and special educators.

Can students receive both EL and special education services?
Yes. If an EL student is eligible to special education services, they still need specialized language instruction through English language development, bilingual or ESL, or SIOP. This collaborative model may include participation in one or both programs. ELs with a disability are entitled to a full range of seamless services designed to meet their individual language and learning needs. A student who is determined to be eligible for special education has the right to a Free Appropriate Public Education (FAPE) that is defined at 34 CFR § 300.17 as special education and related services that are provided at the public expense and in conformity with the student's IEP.

What is the process for entering and exiting the EL program?
MDE has created common and standard Entrance and Exit Protocols (EEPs) for identifying, assessing, placing, and exiting ELs from the EL program. The document is available on the MDE website at www.michigan.gov/ofs; once on the website, click on English Learner and Immigrant Programs.

Should parents be encouraged to speak their native language or be advised to speak only English with their children at home?
Parents should be encouraged to speak in the language in which they are most proficient in order to create a language-rich environment at home. Current studies on the effect of bilingualism on the academic growth of students conclude that native language proficiency is a powerful predictor of the rate of second language acquisition. It is far better for parents to converse and read aloud to their children in their dominant language than to not read to them at all. Older siblings can also be helpful with English language development and with other literacy tasks, such reading to and with the sibling in English.

Does the student's back-and-forth use of the home language and English signify a problem?
Alternating words or phrases from one language to another is termed language mixing or code switching. It does not necessarily indicate inadequacy in language development. Research has shown that code switching among normal bilingual speakers allows for greater precision in communication, especially of cultural topics. Language mixing is common as children start to acquire vocabulary and language skills in a second language.

How should teachers of students with disabilities, EL teachers, general education teachers, and speech and language pathologists work together as a team?

Ideally, collaboration should occur constantly to shape a program of services for which all children can benefit from the expertise these individuals provide. Yet, it becomes more important for focused conversations to begin about an individual student as soon as the student begins to exhibit academic difficulties. In the case of preschool children, the collaboration should be no different and should begin to be more individually focused as soon as the child exhibits developmental delays. The expertise of educators in different disciplines, including the EL teacher, can help establish modifications and adaptations in the curriculum, develop appropriate strategies to help the EL student, and monitor student progress. A team approach (collaborative teaching, co-teaching) promotes support for differentiated instruction and the sharing of ideas and materials. The team can also determine timelines for further action and the need for further assessment.

Do ELs need an IEP or 504 plan to receive accommodations on local and state assessments?

All ELs are entitled to specific testing accommodations on state, district, and classroom assessments as long as they receive such accommodations during daily instruction. However, additional accommodations may be available if the student has an IEP or a 504 Plan. (Refer to the State Assessment Coordinator's Manual for standard accommodations, available on the MDE website.) Districts should have common procedures for accommodations and adaptations used during the instructional delivery as well as during the local assessment. Refer to MDE's Assessment Manual at the following links:

Supports and Accommodations Manual
http://www.michigan.gov/documents/mde/Michigan_Accommodations_Manual.final_480016_7.pdf?20150824110003

Supports and Accommodations Table
http://www.michigan.gov/documents/mde/M-STEP_Supports_and__Accommodations_Table_477120_7.pdf?20150824110003

If research indicates that it can take from five to seven years (or longer) to acquire cognitive academic language proficiency, shouldn't we wait that length of time before referring a student for special education?
No. EL students may exhibit disabilities at any point in the process of acquiring a second language. Service coordination is critical to the

success of ELs with disabilities; they have legal rights to both services [Child Find 34 CFR § 300.111(a)(1)].

How do we know if an EL should be referred for special education services?

When a student is not proficient in English and is experiencing significant academic difficulties, it can be a challenge to determine if the difficulty stems from limited English proficiency or from a true disability that has an adverse impact on education that would require the provision of special education and related services.

How long do we wait before referring a student who is an EL?

School staff should consider referring a student when any of the following are evident:

- Objective data support the possibility of a disability.

- Educators can determine the influence of language, culture, economics, or environmental factors are not the primary reason for lack of academic progress.

- Primary reasons for a student's lack of or slow academic progress have been identified.

- The implementation of systematic, sustained, targeted interventions, and program options, including progress monitoring, have proven unsuccessful.

Follow steps 1–3 outlined in this document.

Can primary grade students who are ELs or older (WIDA ELP Level 1 students) be referred for special education?

Yes. Every student is viewed as an individual with a unique profile. Teachers should consult with the special education administrator or designee to avoid unnecessary delays in making a referral for special education evaluation and related services. Students who are ELs at any proficiency level may have disabilities. A set length of time in the ESL program or in U.S. schools is not a prerequisite for consideration for special education. Staff members should consider information from teacher anecdotal records, classroom observation, performance-based assessment, and the functional deficits the student exhibits in an educational setting in addition to the formal testing instruments available. The results of the dual language assessment and input from an ESL teacher or other personnel with expertise in the second language acquisition process will also help create an appropriate program for the EL student who is suspected of having a disability.

Can students who are ELs with little or no previous formal education in their home countries be referred for special education?

Yes. However, the student's difficulty in a U.S. school most often is the result of a lack of formal education rather than a disability. A variety of services can be provided to support instruction of literacy in English and native language if available (WIDA ELP Level 1 students). Support in the classroom can be enhanced by flexible guided language development grouping, content-based literacy, appropriate software programs for ELs, and instructional techniques that may include the use of cooperative learning, differentiated instruction, and experiential hands-on methods (visuals and manipulatives) to ensure an appropriate match between the students' learning style and the curriculum. Although a student's previous formal education history will likely affect the student's academic performance in U.S. schools, limited schooling in and of itself does not constitute a disability under IDEA. Because many countries do not offer special education alternatives, students with disabilities may have been excluded from school services. Frequent progress monitoring is essential to measure if an EL is learning at an expected rate. Even though the student may quite be far behind academically, if the student is learning at an expected rate, he or she is probably not a student with a disability. Students who do not respond to evidence-based instructional strategies and systematic rigorous interventions may need to be evaluated to determine eligibility for special education programs and services.

If a student has moved to WIDA ELP Level 5, why might he or she have challenges understanding content language?

It is likely to take anywhere from five to seven or more years for students who are ELs (depending on the student's ability and prior educational history) to demonstrate mastery at the Cognitive Academic Language Proficiency (CALP) level. Therefore, it is important for the general education teacher to recognize that students who are ELs (WIDA ELP Level 5) will need ongoing support as they continue to work toward grade-level performance across content areas.

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Appendix F. Acronyms

AMAO Annual measurable achievement objectives

BICS Basic interpersonal communication skills

CALP Cognitive academic language proficiency

DOJ **Department of Justice**

ESL English as a second language [often used interchangeably with English Learner (ELL) and English for Speakers of Other Languages (ESOL)]

IDEA Individuals With Disabilities Education Act

IEP Individualized education program

IT Interpreter

L1 Student's first (or home) language

L2 Student's second (or home) language

LEP Limited English proficiency; terminology used in Title III federal law for English learners

MARSE Michigan Administrative Rules for Special Education

MTSS Multitiered system of supports

OCR **Office of Civil Rights**

SIOP Sheltered instruction observation protocol

SLI Speech-language impairment

SLD Specific learning disability

SST Student support team

TAT Teacher assistance team

TBE Transitional bilingual education (program)

Appendix G. Glossary of Terms

AMAO, Annual Measurable Achievement Objectives are NCLB, Title III federal required district goals to measure and report the linguistic progress, linguistic proficiency, and academic progress of ELs.

BICS, Basic Interpersonal Communication Skills or often described as the language learner's social or conversational language. The term was developed by Jim Cummins (1984) in distinguishing types and levels of language proficiency.

CALP, Cognitive Academic Language Proficiency is the term used by Jim Cummins (1979) to refer to the language ability required for academic achievement in a context-reduced environment. It is the language students need to read and write and solve problems in math, social studies, English literature, science labs, etc. It takes a significantly longer period of time to develop than does the social language (BICS).

Student Study Team (SST), Student Support Team (SST), and Teacher Assistance Team (TAT) are types of informal, school-based, problem solving teams that meet regularly to investigate strategies to help students who are experiencing difficulty. For students who are ELs, the teams need to include the EL teacher or a dual language teacher or someone with second language acquisition knowledge and experience.

Code switching is a stage in the second or additional language acquisition process in which learners use words from both their first language and English while speaking and writing. This term is also known as language mixing.

Comprehensible input represents the language to which a student is exposed that can be understandable. Access to comprehensible input is a necessary condition for language acquisition to take place.

Interpreter is a person who converts verbal information presented in one language into another. They are required to have specific certification to serve in educational settings.

Language proficiency level indicates the English proficiency of an EL learner. ESL proficiency levels are based on WIDA domains of listening, speaking, reading, and writing skills. WIDA English Language Proficiency (ELP) levels are as follows:

WIDA English Language Proficiency (ELP) Levels	
Level 1	Entering
Level 2	Beginning
Level 3	Developing
Level 4	Expanding
Level 5	Bridging
Level 6	Reaching, First Year

Michigan's MTSS is a framework for instruction, assessment, and intervention designed to meet the achievement and behavioral health needs of all learners

Sheltered content instruction is instructional techniques and strategies that enable ELs to learn academic subject matter in English.

Sheltered instruction observation protocol (SIOP) is a research-based and validated model of sheltered instruction. The SIOP model helps teachers plan and deliver lessons that allow ELs to acquire academic knowledge as they develop English language proficiency.

Silent period is a period of time during which the LEP student may not speak when in an environment where only the new language is spoken. The length of the silent period varies for each student based on numerous variables and corresponds to the time it takes for the student to internalize the new language. During the silent period, the student is beginning to make connections between the first language and English. The student is developing an understanding of English (reception language) before being comfortable with speaking or writing the language (expressive language).

Title III is the federally funded program of "English Language Acquisition for Limited English Proficient and Immigrant Students." Federal funding is provided to assist SEAs and LEAs in meeting these requirements to meet the requirements of the law that LEP students must not only attain English proficiency but simultaneously meet the same academic standards as their English-speaking peers in all content areas.

Appendix H. Resources

Best and Effective Instructional Practices for ELs

Baker, S., Lesaux, N., Jayanthi, M., Dimino, J., Proctor, C. P., Morris, J., Gersten, R., Haymond, K., Kieffer, M. J., Linan-Thompson, S., & Newman-Gonchar, R. (2014*). Teaching academic content and literacy to ELs in elementary and middle school* (NCEE 2014-4012). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Retrieved from the NCEE website: http://ies.ed.gov/ncee/wwc/publications_reviews.aspx
- Research and evidence based practices for teaching content and literacy instruction to elementary and middle schools ELs

Coltrane, B. (2003). *Working with young English language learners: Some considerations.* ERIC Digest, ED481690
- Working with young ELs and their families; the importance of maintaining the home language and other aspects.

Collier, V., & Wayne, T. (2009). *Educating English learners for a transformed world.* New Mexico: Fuente Press.

Council of Chief State School Officers. (2011). Accommodations manual: How to select, administer, and evaluate the use of accommodations for instruction and assessment of students with disabilities. Washington, DC: Author. Retrieved from http://www.ccsso.org/
- The guidance pertains to students with disabilities who participate in larger scale assessments and the instruction they receive. The manual can be adapted to ELS based on state policies and requirements.

Gersten, R., Baker, S. K., Shanahan, T., Linan-Thompson, S., Collins, P., & Scarcella, R. (2007). *Effective literacy and English language instruction for English learners in the elementary grades: A practice guide* (NCEE 2007-4011). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Retrieved from http://ies.ed.gov/ncee/wwc/publications/practiceguides
- Providing effective literacy instruction for English language learners in the elementary grades.

Haynes, J. *SIOP: Making content comprehensible for ELLs*. Retrieved from http://www.everythingesl.net/inservices/using_siop_model_08621.php.php

Herrmann, E. (2014). *Sheltered instruction and English language development: Key components.* Retrieved from http://exclusive.multibriefs.com/content/sheltered-instruction-and-english-language-development

National Center for Learning Disabilities (2006). *IDEA parent guide.* Retrieved from http://www.ncld.org/wp-content/uploads/2014/11/IDEA-Parent-Guide1.pdf.

Smallwood, B. (2002). *Thematic literature and curriculum for English language learners in early childhood education.* Retrieved from http://files.eric.ed.gov/fulltext/ED470980.pdf
- Appropriate curriculum for young (3–8 year old) ELs

Stanford University. (website). *Understanding language.* Retrieved from, http://ell.stanford.edu/
- Includes papers, teaching resources, and videos by EL scholars and researchers

Thomas, W., & Collier, V. (2012). *Dual language education for transformed world.* New Mexico: Fuente Press.

U.S. Department of Education, Office of Special Education and Rehabilitative Services. (2014).

Zwiers, J. & Crawford, M. (2009). How to start academic conversations. *Educational Leadership, 66*(7), 70-73. Retrieved from http://www.ped.state.nm.us/QualityAssuranceSystemsIntegration/dl09%20/ELL%20Summit/How%20to%20Start%20Academic%20Conversations.pdf
- Ideas for scaffolding conversations with ELs

Bilingual Resources

American Speech-Language-Hearing Association. *Learning two languages.* Retrieved from http://www.asha.org/public/speech/development/BilingualChildren.htm

ERIC Digest. *What elementary teachers need to know about language.* ED447721 2000-11-00

National Association of Bilingual Education. *What is bilingual education?* Retrieved from http://www.nabe.org/BilingualEducation

National Children's Latino Institute. *The benefits of bilingual education.* Retrieved from
http://www.nlci.org/press/Past%20articles/bilinged.htm

ELs With Potential Disabilities

Burr, E., Haas, E., & Ferriere, K. (2015). *Identifying and supporting English learner students with learning disabilities: Key issues in the literature and state practice* (REL 2015–086). Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Educational Laboratory West. Retrieved from http://ies.ed.gov/ncee/edlabs.
  - A review of research and policy to identify and support ELs with possible learning disabilities

Sánchez, M.T., Parker, C., Akbayin, B., & McTigue, A. (2010). *Processes and challenges in identifying learning disabilities among students who are English language learners in three New York State districts* (Issues & Answers Report, REL 2010–No. 085). Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Educational Laboratory Northeast and Islands. Retrieved from http://ies.ed.gov/ ncee/edlabs.
  - A summary of processes from three districts to identify ELs with learning disabilities including staff organization, child study team staffing and roles supports and interventions, and monitoring student progress in interventions and referrals. Challenges are presented that could serve to problem-solve implementation for other districts.

U.S. Department of Education, Office of Special Education and Rehabilitative Services. (2014). *Questions and Answers regarding the inclusion of English learners with disabilities in English language proficiency assessments and Title III annual measurable objectives.* Washington, DC: Author. Retrieved from http://www2.ed.gov/about/offices/list/osep/policy.html#elp-qa
  - This document provides guidance on the inclusion of ELs with disabilities in ELP assessments under ESEA Act of 1965, as amended. (An addendum was released in 2015).

U.S. Department of Education, Office of Special Education and
Rehabilitation Services, Dear Colleague: Dyslexia Guidance. October 23,
2015.

- This document reviews policies, procedures and practices
  addressing MTSS and the educational needs of students with
  specific learning disabilities, including dyslexia, dyscalculia and
  dysgraphia. Retrieved from

http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf

Office of English Language Acquisition

U.S. Department of Education, Office of English Language Acquisition
(OELA). http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html
- The Offices of Civil Rights and Department of Justice have
  developed 10 chapters for districts and schools on practices and
  procedures pertaining to ELs.

MiBlisi Resources

Bohanon, H., Goodman, S., & McIntosh, K. (2009). *Integrating behavior
and academic supports within an RtI framework: General overview.*
Retrieved from
http://www.rtinetwork.org/learn/behavior/integrating-behavior-and-academic-supports-general-overview

McIntosh, K., Horner, R. H., Chard, D. J., Dickey, C. R., & Braun, D. H.
(2008). Reading skills and function of problem behavior in typical
school settings. *Journal of Special Education, 42, 131–147.*

Preciado, J. A., Horner, R. H., Scott, K., & Baker, S. K. (2009). Using a
function-based approach to decrease problem behaviors and
increase academic engagement for Latino English language
learners. *The Journal of Special Education, 42*, 227–240.

Sanford, E. (2006). *The effects of function-based literacy instruction on
problem behavior and reading growth.* Dissertation. University of
Oregon.

Stewart, R. M., Benner, G. J., Martella, R. C., & Marchand-Martella, N. E. (2007). Three-tier models or reading and behavior: A research review. *Journal of Positive Interventions, 9,* 239–252.

Parents and Families

Broatch, L. (n.d.). *Helping English language learners who struggle in school.* Retrieved from http://www.greatschools.org/special-education/LD-ADHD/1152-english-language-learners-who-struggle.gs?page=all
- Some ideas for parents to determine if their EL child has a learning disability

Center for Parent Information and Resources. (2010). *Considering limited English proficiency: Developing the IEP.* Retrieved from: http://www.parentcenterhub.org/repository/considering-lep/

Colorin' Colorado. (n.d.). *How to reach out to parents of ELLs.* Retrieved from http://www.colorincolorado.org/educators/reachingout/outreach/
- Succinct and helpful ideas including using their preferred language; educating them on the U.S. school system; arranging home and community visits; and more

Jennings, D. (n.d.). *A parent's perspective on response to intervention.* Retrieved from http://www.rtinetwork.org/essential/family/parentleadersperspective

Parent Information Center. (n.d.). *A family guide to response to intervention.* Retrieved from http://www.education.nh.gov/nhresponds/documents/fam_guide.pdf
- Four-page introductory paper for parents about RtI

RTI Network. (2007). *Working with culturally and linguistically diverse families.* Retrieved from http://www.rtinetwork.org/learn/diversity/culturalcompetence
- A one-page brief describing cultural competence, why it is important, and keys to developing it in with diverse communities

U.S. Department of Education. (2005). *If you think there's a problem.* (Cited on Colorin' Colorado). Retrieved http://www.colorincolorado.org/article/27675/.For parents, a list of six age groups and types of skills young child should be able to do

Appendix I. Professional Organizations

CEC: The Council for Exceptional Children: http://www.cec.sped.org/

MCEC: Michigan Council for Exceptional Children:
http://www.michigancec.org/

MASEA: Michigan Association of Special Education Administrators:
https://www.google.com/?gws_rd=ssl#q=MAASE&safe=active

NABE: National Association of Bilingual Education: http://www.nabe.org/

NASDSE: National Association of State Directors of Special Education:
http://www.nasdse.org/

TESOL: Teachers of English to Speakers of Other Languages:
http://www.tesol.org/

MABE: Michigan Association for Bilingual Education: www.mabemi.org

MTESOL: Michigan Teachers of English to Speakers of Other Languages:
www.mitesol.org

Appendix J. Professional Supports

Great Lakes Equity Center: http://glec.education.iupui.edu/

- One of 10 regional Equity Assistance Centers (EACs) funded by the U.S. Department of Education.

- Provides technical assistance, resources, and professional learning opportunities related to equity, civil rights, and systemic school reform to the state departments of education of Michigan, Illinois, Indiana, Minnesota, Ohio, and Wisconsin.

- Website includes tools, research, and reports.

Center on Response to Intervention: http://www.rti4success.org/

- Formally federally funded by the Office of Special Education Programs from 2007–12 to the American Institutes for Research (AIR)

- The federal funding ended in 2012, but AIR took over upkeep and maintenance of the Center's website and products.

- Products and resources developed under the Center continue to be available and free to the public.

MiBLSi:
https://www.google.com/?gws_rd=ssl#q=MiBLSi%3A&safe=active

The MiBLSi is an integrated model of behavior and reading support. Emerging research provides evidence to suggest that there are benefits to an integrated schoolwide approach for supporting all students and that improving the social behavior of students' results in more time spent in academic instruction. In addition, there are similarities in how behavior and reading supports are implemented at the school level. Both are similar in their use of (1) a continuum of support; (2) action planning guided by a team; (3) the problem solving process (e.g., identification of need based on data); (4) the use of data for program development, progress monitoring, and evaluation; and (5) reliance on evidence-based practices. The website describes the multitiered model of behavior and reading supports, which include frameworks of practices, systems, and information.

National Clearinghouse for Language Acquisition:
http://www.ncela.us/

- Funded by the Office of English Language Acquisition, Language Enhancement and Academic Achievement for Limited English Proficient Students (OELA) of the U.S. Department of Education.

- A new NCELA website will be launched in early 2015 with an abundance of resources for stakeholders in the education of ELs.

- NCELA Nexus is a semimonthly e-newsletter to share new resources, upcoming events, and other announcements, and provide links to opportunities for jobs, education, and funding related to the education of ELs and the EL community. Nexus subscribers may also receive occasional, time-sensitive announcements from OELA and NCELA. http://www.ncela.us/nexus

RTI Action Network: http://www.rtinetwork.org/

- Dedicated to the effective implementation of RtI in school districts nationwide with a goal to guide educators and families in the large-scale implementation of RtI; includes toolkits, rubrics, protocols, and more.

- The RtI Action Network is a program of the National Center for Learning Disabilities.

Appendix K. Assessments

Appropriate Screening and Progress Monitoring—Overview

Brown, J. E., & Sanford, A. (2011). *RTI for English language learning: Appropriately using screening and progress monitoring tools to improve instructional outcomes.* Retrieved from http://www.rti4success.org/sites/default/files/rtiforells.pdf

The following is a list of assessments available for gathering additional information to help determine whether an EL is eligible for special education services. Assessments must be selected that are not discriminatory on a racial or cultural basis. When a nondiscriminatory evaluation instrument cannot be found, the decision-making team must be made aware of the limitations of the instrument.

In addition, as mentioned earlier, the school must ensure that the evaluations are administered in the language most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer. It is important to remember that tests normed solely on native English-speaking students have limited validity for ELs and must be viewed in that light. Using more than one measure or assessment to determine whether a child has a disability and to determine an appropriate educational program is required. Tests are only one source of information, and therefore, it is required to gather evidence from multiple sources (such as past educational history and teacher input) as noted earlier in this guide.

Bilingual and Culture Fair Assessments

Aprenda
Aprenda is a Spanish achievement test for native speakers of Spanish from kindergarten through grade nine. It is available through Harcourt Assessment, Inc. Aprenda III was introduced in 2005. It is used to assess student achievement and critical thinking skills in reading, mathematics, language arts, science, and social sciences.

Bilingual Verbal Ability Test (BVAT)
Available through Riverside Publishing, the BVAT is a test to evaluate a bilingual student's academic readiness, assist in placing a bilingual student in an appropriate program, and plan a suitable program for the student. The overall test score is based on the student's knowledge and reasoning skills using both English and the student's native language. It is available in the following 15 languages: Arabic, Chinese, English, French,

German, Haitian-Creole, Hindi, Italian, Japanese, Korean, Polish, Portuguese, Spanish, Turkish, and Vietnamese.

The test consists of three individually administered parts:

- Picture Vocabulary—The student names a pictured object with the pictures gradually becoming more difficult. This measures word retrieval ability.

- Oral Vocabulary—Again, the test questions gradually become more difficult as the student is required to give synonyms and antonyms. These questions measure knowledge of word meaning.

- Verbal Analysis—Students are required to figure out the relationship between two words and then find a word that fits the same relationship to a third word. This part measures verbal reasoning.

Administration of all parts is done in English first. When a student gives an incorrect response, it is then readministered in his or her native language. Scores can be interpreted as either age-based or grade-based.

Language Assessment System Links in English or Spanish

Assesses English or Spanish language ability and proficiency from kindergarten through Grade 12. Helps to determine primary language proficiency. Assesses listening, speaking, reading and writing skills in one or both languages.

Logramos

The Logramos is a Spanish achievement test for mathematics, language, reading comprehension, word analysis, vocabulary, and listening comprehension. Spanish-dominant students from kindergarten through 12th grade can be given the test to determine their native language proficiency and to help with their instruction. Logramos is a group administered assessment available through Riverside Publishing.

TONI-4

Available through Pearson, the TONI-4 is a language-free assessment of nonverbal intelligence and reasoning abilities. A culturally reduced test, it is a measure of problem solving, abstract reasoning intelligence, and aptitude that does not require reading, writing, speaking, or listening. It is appropriate for those who have or are believed to have disorders of communication or thinking such as language disability, stroke, disease, head injury, or other neurological impairment. Responses simply require an individual to nod, point, or give a symbolic gesture to indicate a response. It measures nonverbal intelligence by requiring test takers to

answer with meaningful gestures such as pointing, nodding, or blinking. Ages: 6 through 89 years.

Brigance Diagnostic Assessment of Basic Skills (Spanish)

Published by Curriculum Associates, Inc., the Brigance Diagnostic Assessment of Basic Skills can be administered to ELs from kindergarten through sixth grade. It is a test for students whose native language is Spanish to determine whether a student's weakness is due to limited English proficiency or to a specific learning disability. In addition, it can be used to determine language dominance or to establish if a student is working at grade level in academic subjects in Spanish.

The test consists of eight sections:

- Readiness

- Speech, listening, oral reading

- Word recognition, word analysis, vocabulary

- Reading comprehension

- Spelling, writing

- Number, number facts

- Computation-whole numbers, fractions, decimals

- Math problem solving

A student does not need to take all sections of the test as the teacher or test administrator is encouraged to mark off skills that he or she knows that the student has already mastered. The test is administered individually and is untimed.

Raven's Progressive Matrices measures an individual's ability to understand perceptual relations and to reason by analogy, independent of language, motor skills, and formal schooling. The Standard Progressive Matrices is designed to minimize language demands. It consists of multiple-choice questions to assess cognitive ability. Raven's test has three main forms. Raven's Standard Matrices is comprised of five sets, and each set has 12 items. Requires a greater level of cognitive ability to problem solve as it requires the examinee to understand the information and critically analyze the items present in written form in blank ink on a white background. Raven's Color Matrices are designed for children and students with disabilities. Raven's Color Matrices consists of Sets A and B from the standard matrices and a further set of 12 items is inserted between the two sets. Raven's Advanced Matrices consists of two sets and 48 items. The first set contains 12 items while the other contains 36

items. The tests are standardized with a variety of cultural groups from China, Russia, India, Kuwait, and Africa to European nations.

Kaufman Assessment Battery for Children, Second Edition (KABC II)

KABC II subtests are designed to minimize verbal instructions and responses. Tests items contain minimal cultural content so that children of diverse backgrounds can be assessed more fairly. A range of scales and subtests provides a detailed analysis of cognitive abilities, including comprehension-knowledge ability, visual/ simultaneous processing, sequential/short term memory, planning/fluid intelligence, and long-term memory.

Leiter International Performance Scale, Third Edition (Leiter-3)

Provides a nonverbal measure of intelligence that may be used for ELs, hearing impaired, speech impaired, cognitively delayed, or students on the Autism Spectrum. It assesses cognitive potential (nonverbal IQ, attention/memory, processing speed and nonverbal memory) in children, adolescents and adults ages 3 years to 75 plus years.

Bateria III Woodcock-Munoz NU is the parallel Spanish language version of the Woodcock Johnson III NU Tests of Cognitive Abilities. These tests are designed to provide comprehensive information about cognitive abilities and processing strengths and weaknesses. The cognitive battery provides a language-reduced Broad Cognitive Ability score and a bilingual General Intellectual Ability score. It also provides CALP levels.

Standford-Binet Intelligence Scales, Fifth Edition (SB5)

Provides enhanced nonverbal/low verbal content that requires minimal verbal responses. As a battery of cognitive tests, SB5 provides five factors of cognitive ability: Fluid Reasoning, Knowledge, Quantitative Reasoning, Visual-Spatial Processing, and Working Memory. Ages: 2 to 85 + years.

Universal Nonverbal Intelligence Test (UNIT)

Measures general intelligence, memory and nonverbal reasoning skills. UNIT's administration and response formats are nonverbal. Test materials have been designed to be culturally and ethnically sensitive. Ages: 5 to 17 years.

Comprehensive Test of Nonverbal Intelligence (CTONI-2)

Evaluates general and specific memory functions in children and adults whose performance on traditional tests might be compromised by language or motor abilities. The CTONI-2 measures analogical reasoning, categorical classification, and sequential reasoning using six subtests. Ages: 5 through 59 years.

Appendix L. Parents and Families

Working with culturally and linguistically diverse families. Retrieved from http://www.rtinetwork.org/learn/diversity/culturalcompetence

The Michigan Department of Education—Parent Engagement Toolkit. Retrieved from http://www.michigan.gov/mde

Appendix M. Resources on MTSS or RtI and ELs

Collier, C. (2010). *Asking the right questions.* Retrieved from
http://www.colorincolorado.org/article/41002/

Collier, C. (2010). *Framework for instructional intervention with diverse learners: RTI for diverse learners.* (pp.7–11). Thousand Oaks, CA: Corwin Press. (Reprinted with permission on http://www.colorincolorado.org/article/41002/)
- Information to gather to answer specific questions to separate difference from disability considerations

Echevarria, J. & Hasbrouck, J. (2009). *Response to intervention and English learners.* Retrieved from http://www.cal.org/create/publications/briefs/pdfs/response-to-intervention-and-english-learners.pdf
- Six-page brief describing the three RtI tiers, types of appropriate assessments, and best practices for teachers of ELs

Echevarria, J. & Vogt, M.E. (2011). *Response to intervention (RTI) and English learners: Making it happen – The SIOP® model.* Boston, MA: Pearson.

Hagan, E. C. (n.d.) *Response to intervention: Implications for Spanish-speaking English language learners.* RTI Action Network. Retrieved from http://www.rtinetwork.org/learn/diversity/response-to-intervention-implications-for-spanish-speaking-english-language-learners
- Includes tips for effective instruction

Else V., Hamayan, E. V., Marler, B., Sanchez-Lopez, C., & Damico, J. S. (2007). *Some myths regarding ELLs and special education*. Retrieved from http://www.colorincolorado.org/article/40714/
- Presentation of three myths to be dispelled as commonly held misconceptions regarding ELLs and special education

Ford, K. (2011). *Differentiated instruction for English language learners.* Retrieved from http://www.colorincolorado.org/article/41025/

Hosp, J. (n.d*.). Response to intervention and the disproportionate representation of culturally and linguistically diverse students in special education*. RTI Action Network. Retrieved from http://www.rtinetwork.org/learn/diversity/disproportionaterepresentation

- Discussion of overrepresentation and why it is important to address

Individuals with Disabilities Education act of 2004 – IDEA, 2004, P.L. 108-446, 20 U.S.C. § 1400(c)(8)(A)

National Association of School Psychologists. (2010). *English learners and response to intervention: Information for K–6 educators.* Retrieved from http://www.nasponline.org/publications/booksproducts/hchs3_samples/s7h4_english_language_learners_and_response_to_intervention.pdf
- For educators, Grades K–6
- Three-page overview of RtI, the tiers, and how they are useful in determinations and assistance for ELs and based on research
- Describes six steps of Tier I reading implementation for schools and teachers to implement: early literacy measures, benchmarks, phonological awareness, letter naming fluency, alphabetic knowledge, and oral reading fluency

National Center on Response to Intervention. (n.d.). *A family guide to response to intervention.* Retrieved from http://www.rti4success.org/resources/family-resources
- A collection of resources provides for parents and families about RTI as well as information for schools about working with parents and families throughout RTI implementation

National Center on Response to Intervention. (2011). *RTI for English language learners: Appropriately using screening and progress monitoring tools to improve instructional outcomes*. Retrieved from http://www.rti4success.org/sites/default/files/rtiforells.pdf
- A 20-page document outlining initial issues, particularly what teachers need to know about ELs; stages of second language proficiency; transitions to RtI and ELLs with specific information about formative assessments—screening and progress monitoring; concludes with two case studies

Sánchez, M. T., Parker, C., Akbayin, B., & McTigue, A. (2010). *Processes and challenges in identifying learning disabilities among students who are English language learners in three New York State districts.* (Issues & Answers Report, REL 2010–No. 085). Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Educational Laboratory Northeast and Islands. Retrieved from http://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL_2010085_sum.pdf

- Helpful for districts in facing challenges of identifying and placement of ELs with potential learning disabilities

Vaugh, S. (n.d.). *Response to intervention in reading for English language learners.* RTI Action Network . Retrieved from http://www.rtinetwork.org/learn/diversity/englishlanguagelearners

- For educators, especially for special education teachers and administrators
- Includes caveats and considerations for possible learning difficulties in EL learners; skills educators must have; role of universal screen and progress monitoring; and specific steps to consider and implement for the RtI tiers
- Well-supported by research

WIDA, *Culturally and linguistically responsive RtI planning form,* available at https://www.wida.us/searchResults.aspx?q=RTI

WIDA, *Developing a culturally and linguistically responsive approach to response to instruction & intervention (RtI2) for English language learners*, available at https://www.wida.us/searchResults.aspx?q=RTI

Tool 1. Student Background Checklist

The following information may be found in the student's CA60 file and is important to obtain background data for the English learner.

Referring Source _____

Title _____ Date_____

School's Screening Personnel_____

Phone #_____

School _____

Student Name_____ UIC _____

Sex_____ Grade_____

DOB_____ Place of Birth_____

Home Language(s) _____

Parent/Guardian Name _____

Parent/Guardian's Home Country _____

Home Phone_____ Work Phone _____

Cell Phone _____

Entry Date to U.S._____ or Years in U.S. Schools _____

Years of Schooling in Home Language _____

Interrupted Education? No ( ) Yes ( )

Explain Educational History if Known:

Specific Questions About Student Learning and Enrollment

	Yes	No	Comments
1. Has the student's records been reviewed for relevant information?			
2. Has a child study or other in-school problem solving team, including the EL teacher, met to review student's information?			
3. Has the school followed the pre-referral steps outlined in this guidance?			
4. Has the student undergone any prior evaluation(s)? a. WIDA Screening b. Dual language assessments c. State annual assessment d. Local assessment e. Classroom assessment f. Other	a. b. c. d. e. f.	a. b. c. d. e. f.	
5. Does a review of the student file indicate a history of difficulty in the area(s) of concern?			
6. Has the student ever been enrolled in an EL program? If so, where?			
7. Is the student currently enrolled in the EL program? If so, what is the current WIDA performance level? ___1; ___2; ___3; ___4; ___5 ; year 1; or ___5 year 2			
8a. Is the student no longer receiving direct EL services? 8b. If so, what is the student's current EL status? (FLEP) __Monitor year 1; __ Monitor year 2; __Post-Monitor year 2	a. b. c.	a. b. c.	
9a. Is there a physical condition that may account for student's difficulties? 9b. Has the student's vision been tested? 9c. Has the student's hearing been tested? 9d. Are glasses, hearing aids, or other specialized equipment worn or used in class?			
10. Has the student participated in systematic support programs, such as Reading Recovery or others? (name in "comments")			
11. Is the student frequently absent or tardy?			
12. Have the parents or guardians been contacted about the school's concerns?			

	Yes	No	Comments
13. Is there a home language survey in the student's cumulative folder? (If so, please attach.)			
14. Have intervention strategies been implemented in a systematic fashion? Please describe.			

Adapted from Virginia Department of Education. (2009). *Handbook for educators for students who are English language learners with suspected disabilities.* Retrieved from: http://www.doe.virginia.gov/instruction/esl/resources/handbook_educators.pdf

Tool 2. Sample Parent or Caregiver Interview Questions

The following parent interview (adapted from many sources) must be conducted in the parent's native language, if possible. Parents and caregivers need to feel they are in a safe environment and that the information will be used to help their child's education. Creating a trusting atmosphere is a critical first step. Parents/caregivers may be reluctant to answer honestly because of prior experiences in the education systems in their native countries or in not understanding the U.S. school system. It is critical to explain to parents that if their child is identified at some point as having learning difficulties, the U.S. education system will support and educate their child.

Dear Parent or Guardian,
In order to provide your child with the best education possible, we need to know about the child's language and education background. There are no right or wrong answers to the following questions, and your answers are only used to help us educate your child in the best way possible. Your honesty and thoughtfulness in answering these questions is greatly appreciated and will directly benefit your child's education.

About your child:

If there is more than one language spoken in your house, please feel free to include them all in your answers.

When your child was a baby:

1. What language did you speak to your child when he/she was a baby or young child? _____

2. In what language did your child say his/her first words? _____

3. In what language did your child speak as a baby or young child? _____

4. What language did other people in your house (other caregivers, babysitters, siblings, relatives) speak to your child when he/she was a baby or young child? _____

5. What language did you use to sing and/or read to your child when he/she was a baby or young child? _____

At the present time:

1. What language is spoken in the child's home or residence most of the time? _____

2. What language do you mostly use to speak to your child now? _____

3. What language does your child mostly speak to you? _____

4. What language does your child prefer to speak to others (siblings, caregivers, babysitters, relatives)? _____

5. When you have to give your child directions quickly, which language do you use? _____

Preschool Experience:

1. Did your child attend preschool? No _____ Yes _____

2. If yes, what was the language used by the teachers? _____

For students entering school in a grade other than kindergarten:

1. Does your child know how to read? No ____ Yes ____ If yes, in which languages? _____

2. Does your child know how to write? No ____ Yes ____ If yes, in which languages? _____

3. Is this the first time the child has attended a school in the United States? Yes _____ No _____

4. If no, where did he/she go to school previously?

    _____

5. What language was used for instruction?_____

6. Was there interruption in your child's education? No_____ Yes _____

    If yes, for how long and when? _____

7. What was the length of the school day? _____

8. Did your child attend school daily/consistently? _____

9. In what month did the school year begin?

_____

10. In what month did the school year end?

_____

11. When were school vacations?

_____

12. Has your child ever had difficulties learning? No _____ Yes _____

If yes, please explain briefly:

_____

_____

14. Has your child ever received special services (teachers) to help his/her learning? No _____ Yes _____ If yes, please explain

_____

15. Is there anything more you would like to tell us about your child's prior school or learning experiences?

_____

_____

Parent /Caregiver Questions

1. In what language would you like to receive written information from the school? _____

2. In what language would you prefer to communicate orally with school staff? _____

Taken from Connecticut Administrators of Programs for English Language Learners (CAPELL). (2011). *English language learners and special education: A resource handbook.* Hartford, CT: Connecticut State Department of Education. Retrieved from http://www.sde.ct.gov/sde/lib/sde/pdf/curriculum/bilingual/CAPELL_SPED_resource_guide.pdf

Tool 3. Determining If a Special Education Referral Is Appropriate for the EL

Following is a checklist to help personnel collect pertinent information in order to determine if a referral for special education is warranted.

Student _____ Date _____

Yes	No	Don't Know	Questions
			1. **Literacy Development**: Does the child have age-appropriate development in L1 (home language)?
			a. Has the child been regularly exposed to L1 literacy-related materials?
			b. Is the child's vocabulary in L-1 well developed for his/her age?
			c. Was the child's L1 fluent and well developed prior to beginning to learn English?
			d. Have the child's parents been encouraged to speak or read in the L1 at home?
			2. **Personal and Family Factors**: After reviewing the child's personal data and family history, are there any emerging factors that could possibly contribute to the child's difficulty in learning?
			a. High degree of mobility
			b. Missing parent(s)
			c. Poverty
			d. Lack of prior education or disrupted schooling
			e. Poor attendance, truancy
			f. Need to work
			g. Other
Done ☐			For items marked "No," additional information is examined to further identify specific personal and family factors.
			3. **Physical and Psychological Factors**: After reviewing the child's health data, both past and present, have any factors emerged that could possibly contribute to the student's difficulty in learning?
			a. Impaired hearing
			b. Impaired vision
			c. Chronic dental pain
			d. Malnutrition
			e. Posttraumatic stress syndrome
			f. Other
Done ☐			For items marked "No," additional information is examined to further investigate those specific physical and psychological factors.

Yes	No	Don't Know	Questions
			4. **Previous Schooling**: Have student's school records (past and present) been located, reviewed, and analyzed? If past records are not available, have other means of gathering data been implemented?
			a. Has the student participated in a quality bilingual-ESL program(s) in previous years? b. Has the student had the benefit of uninterrupted formal school throughout his/her educational career?
			c. Has the student's previous schooling been at the same level of rigor as his/her current schooling?
			d. Does the language of instruction in the student's previous schooling match the language of instruction in the student's current learning environment?
Done ☐			For items marked "No," additional information is examined to further identify specific previous and current school issues.
			5. **Linguistic Abilities**: Have data been collected to reflect student's strengths and difficulties in linguistics and literacy development?
			a. Use of data from assessments in previous years
			b. Use of data from standardized language proficiency test (in L2 and if possible, in L1) and less than 6 months old
			c. Student work samples in L1 and L2 (oral language, reading, and writing; performance-based assessments) collected over time, reviewed, and analyzed.
			d. Teacher observations or narrative documents concur with student work samples about student's language use in the learning environment
			e. Language use patterns language dominance have been determined appropriately
Done ☐			For items marked "No," additional information is examined to further identify the specific linguistic abilities.
			6. **Academic Achievement Factors**: Have data been collected regarding the student's academic achievement?
			a. Use of data from assessments in previous years
			b. Use of results from a standardized achievement test (in L2 and L1 whenever possible) and are less than 6 months old
			c. Results in L2 are interpreted with full understanding as to the limits of validity and reliability for an EL.
			d. Student work samples in L1 and L2 (oral language, reading, and writing; performance-based assessments) are collected over time, across subject and content areas, and are reviewed and analyzed.
			e. Teacher observations or narrative documents concur with student work samples about the student's academic achievement.
			f. Language use patterns language dominance have been determined appropriately.
Done ☐			For items marked "No," additional information is examined to further identify the specific academic achievement factors?

Yes	No	Don't Know	Questions
			7. **Cultural Development**: Have data been collected regarding the student's cultural development?
			a. The student's culture is known, and staff members are cognizant of similarities and potential mismatches or conflicts with the dominant or school culture.
			b. A profile has emerged indicating student's capacity to function competently in the new nonnative culture?
			c. There is no indication of trauma exposure or posttraumatic stress syndrome.
			d. The student demonstrates the necessary resilience and coping skills to navigate both the new, nonnative culture represented by the dominant (school) culture as well as the native, family or community culture.
Done ☐			For items marked "No," additional information is examined to further identify specific previous and current cultural development issues.
			8. **Interventions:** Have appropriate interventions, capitalizing on student's strengths and reflective of "best practice" in the field of bilingual/ESL education, been suggested, implemented, and documented in an attempt to remedy the student's difficulty?
			a. Does the teacher(s) have training to implement the intervention(s)?
			b. Does the teacher(s) have materials and resources to implement the intervention(s)?
			c. Is there documentation to articulate the success or failure of a suggested intervention? Consider time, degree of effort, and variety of contexts.
Done ☐			For items marked "No," find additional information about intervention factors and work to improve.
			9. **Programming:** Have other program alternatives been tried in addition to, not in place of, bilingual/ESL programming? Indicate those below:
			___ Title I/31a ___one-one-one tutoring
			___ reading assistance ___ Reading Recovery
			___ after school activities ___ summer school
			___ social work ___ counseling
			___ Other
Done ☐			For items marked "No," consider additional interventions to assist the student and a plan for implementation.
			10. **Learning Environment:** Have all of the student's teachers, parents, and counselor or social worker worked together to create a linguistically, academically and culturally appropriate learning environment that has been implemented over time?
			Provide a description:
Done ☐			Notes or Comments:

Guidance Handbook for Educators of English Learners With Suspected
Disabilities

Name and signature of staff member completing form

_____

Position

_____

Date _____

Others attending meeting:

Name	Position

"If many of the answers to these questions are "yes" and the student continues to experience difficulty, staff should consider the student is experiencing difficulty outside the realm of normal development and achievement that is typical for ELs. In such a case, a referral for special education evaluation would be warranted."

Adapted from Connecticut Administrators of Programs for English Language Learners (CAPELL). (2011). *English language learners and special education: A resource handbook (pp. 17–19).* Hartford, CT: Connecticut State Department of Education.

Retrieved from http://www.sde.ct.gov/sde/lib/sde/pdf/curriculum/bilingual/CAPELL_SPED_resource_guide.pdf

Tool 4. Curriculum and Instruction Checklist

Date: _____

Student's Last Name	First Name	Grade	Unique Identification Code (UIC)

Yes/Date	No	Curriculum, Instruction, and Other Factors	Sources for Answers
		1. Is the student receiving the necessary support to succeed?	
		2. Does the classroom teacher implement effective instructional practices for ELs on a consistent basis?	
		3. Has the classroom teacher received training to implement effective practices?	
		4. Does the EL teacher support this EL student?	
		5. Are the curriculum and instruction implemented with the necessary intensity and frequency to allow improvement in student's skills levels?	
		6. Are adjustments made in curriculum and instruction based on progress monitoring data?	
		7. Do the student's teachers provide a linguistically, academically, and culturally appropriate learning environment at all times?	
		8. Have the teachers received professional development to provide linguistically, academically, and culturally appropriate learning environments for ELs?	

*Methods for making determinations might include classroom observations, teacher interviews, review of lesson plans and curriculum materials

Note: If desired, the team may create a similar table specific for reading and mathematics instruction based on the specifics provided on pages 26-28.